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OF THE

MINING LAW AND REGULATIONS

IN FORCE IN

THE PHILIPPINES.

WAR DEPARTMENT,
DIVISION OF CUSTOMS AND INSULAR AFFAIRS,
JULY, 1900.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1900.

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MINING LAW AND REGULATIONS IN FORCE IN THE PHILIPPINES.

ROYAL DECREE OF MAY 14, 1867, RELATING TO MINING IN THE PHILIPPINES.

CHAPTER I.—*The objects of mining.*

ART. 1. Precious stones, and all substances properly metalliferous, combustible, and saline, calcareous phosphates, whether found on or below the surface of the ground, in whatever state, whether solid, liquid, or gaseous, are the objects of mining.

ART. 2. The ownership of the substances mentioned in the foregoing article is vested in the State, and no one may dispose thereof without a concession issued by the governor-general.

ART. 3. Siliceous and calcareous mineral products, sands, clayey, magnesian, and ferruginous ground, chalk, and other substances of this character which can be used in building, agriculture, or the arts, shall continue, as they have up to the present time, for general use when situated in lands of the State or of the towns, and for private use when the land is private property. The substances included in this article are not subject to the formalities nor to the charges of this decree, but they shall be under the surveillance of the administration in all that relates to the police and security of the works.

ART. 4. The working of the substances mentioned in the foregoing article shall not be consented to without the special permission of the owner when the land is private property. But if it is to be used for pottery works, in the manufacture of crockery or porcelain, of fire brick, crystal or glass, or any other branch of the fabrile industry, the governor-general may grant authorization to work the same to any person requesting it, after the institution of proceedings by the civil governor or chief of the district, with a hearing of the owner of the land, and receiving the report of a mining engineer and of the council of administration.

If the owner of the land binds himself to work the land, beginning to do so within the period fixed by the governor-general, which shall not be less than three months, he shall be preferred to strangers.

ART. 5. When a stranger has obtained the authority of the governor-general to work any of the substances referred to in the two foregoing

articles, he shall indemnify the owner of the estate for the value of the ground which he may have to occupy, and one-fifth thereof in addition; and he shall also pay, in a proper case, the damage to or deterioration in value of the estate, and shall give bond to answer for subsequent losses and damages which might be caused in the future. He can not begin the works until after complying with these requisites. The authorization shall be forfeited if the concessioner should allow one year to elapse without working said substances.

ART. 6. The auriferous and stanniferous sands or other mineral products of rivers and placers may be freely utilized without the necessity of authorization or permission. Only when the workings are made in fixed establishments shall mining claims be formed, according to the third paragraph of article 13.

ART. 7. Ferruginous ground, such as ocher and red ocher, shall also be for general use. If the metallurgy of the iron requires them as prime materials, mining claims may be marked off according to the second paragraph of article 13.

CHAPTER II.—*Trial pits.*

ART. 8. Every Spaniard or naturalized foreigner established in the Island, with the proper permission, as well as Indians, *mestizos* or Chinese, may without restriction make diggings for the discovery of the minerals referred to in article 1 in any land which is not under cultivation, whether belonging to the State or to the towns, or whether of private ownership after receiving the permission of the owner in the last case, or by indemnifying and making good any losses and damages. These diggings, called trial pits, can not exceed an excavation of 2 linear meters square and 1 meter in depth.

The authorities and employees of the administrative and judicial services are forbidden to perform these works, or to become the owners of mines, in their respective districts, or in those in which the proceedings for the concessions are being prosecuted.

ART. 9. In unirrigated lands which contain trees or vines or are used for pastures or tillage the permission of the owner or of his representative shall be necessary before trial pits can be dug. If permission should be refused, or if two months should elapse without its being granted, the person requesting it may apply to the civil governor or chief of the district, who shall grant or refuse it after hearing the persons interested and if he should consider it proper, or if it were requested by any of the parties, he shall hear a mining engineer.

ART. 10. In gardens, orchards, fields and cane fields, and any other irrigated lands the owner only can grant permission for the digging of trial pits, without further remedy or appeal. A person who should request permission to dig trial pits, in accordance with this article or the foregoing, shall inform the civil governor or chief of the district within whose jurisdiction it is intended to dig, for the proper purposes in due time.

ART. 11. Whenever the owner of the land should require it, the explorer shall be obliged to first give security for the indemnification of the damage which might be caused by the trial pit, according to agreement or appraisal, and he shall furthermore be liable for the payment of the losses and damages which he may subsequently cause to the estate.

When the permission to dig trial pits should have been granted by the civil governor or chief of the district, the security or deposit for indemnities shall be given to his satisfaction.

ART. 12. No trial pits shall be dug or other mining workings made at a distance of less than 40 meters from a building, railroad, road, canal, well, water trough, or other public easement, and of 1,400 from fortifications, unless in the latter case permission is obtained from the military authority, and in other cases from the governor-general if public services or easements are affected, or of the owner when private buildings are in question.

CHAPTER III.—*Mining claims.*

ART. 13. The ordinary mining claim is a solid of rectangular base, 300 meters long by 200 meters wide, measured horizontally in the direction indicated by the interested person, and of an indefinite vertical depth. The surface remains the property of the owner of the land.

In mines of iron, bituminous or anthracite coal, lignite, peat, asphalt, bituminous or carbonaceous clay, sulphate of soda, and rock salt, each claim shall be 500 meters long by 300 meters wide.

In auriferous or stanniferous sands and others referred to in article 6, a claim shall include 60,000 square or superficial meters, as those of the first paragraph of this article, and may be measured either as a rectangle, a square, or a series or group of squares not less than 20 meters square, arranged with reference to each other as the claimant may determine, but without leaving intermediate spaces between the squares.

ART. 14. If there should be a belt between the two claims and an unappropriated space between three or more claims in which a rectangle may be measured, the horizontal surface of which is not less than two-thirds of a claim of the same character, and whose longer side does not exceed 300 meters in length in claims arranged according to paragraph 1 of the preceding article, and which does not exceed 500 meters in those mentioned in the second paragraph thereof, there shall be formed an incomplete claim, and it shall be granted to whomsoever may solicit the same.

ART. 15. When the space which lies between two or more claims should not permit the location of an incomplete claim according to the foregoing article, it shall be considered as a surplus and shall be awarded to the owner of the oldest of the adjacent mines, or should he expressly renounce said surplus, it shall then be awarded to the owners of other adjacent mines in the order of their priority.

The surplus can not be extended, whatever its shape or form may be, to a larger area than two-thirds of a complete claim of its class; should there be an excess it shall constitute two or more surplus portions. More than one surplus can not be awarded to a mine. Should there be a greater number they shall be granted successively by order of their priority to the adjacent mines.

ART. 16. Private persons and companies may obtain the number of claims which they may consider necessary, provided more than two are not demanded in one request by an individual, four by a company, and twice this number, respectively, for the mines mentioned in the second paragraph of article 13.

They may also form at will large groups or associations of mines without prejudice to the division of their respective claims.

ART. 17. The permission to explore, according to article 25, may include the area of two complete claims, according to their class, provided that there is free land when the petition is made.

Two or more adjacent explorations may be requested if there is free land.

ART. 18. The area included in a single claim can not be divided; but if the concession should be for two or more claims the latter may be separated with the approval of the governor-general.

ART. 19. Every individual or company may freely secure by purchase, or by other legal means, any number of mining claims before or after title to the property has been issued. But the companies acquiring the same shall in no case have more rights than their original owners, nor can they as companies demand a larger number of claims unless there should be some unappropriated land.

CHAPTER IV.—*Application for mining claims.*

ART. 20. In order to acquire the ownership of one or more mining claims, one of two methods may be employed, namely, exploration or registration. Both in explorations and registrations the priority of the application confers the preferred right to the concession and ownership. The application for exploration or registration may be filed without the consent or knowledge of the owner of the land; but work shall not be commenced without the requisites and conditions established in articles 9, 10, 11, and 12 for trial pits.

If the owners of gardens, orchards, cane fields, and other irrigated farms through which it may be necessary to continue the works started should refuse permission for their extension, the civil governor or chief of the district may grant it, with the formalities prescribed in articles 25 and 26, as soon as any mineral has been discovered.

ART 21. Whosoever, with or without a trial pit, proposes to explore and examine the land, undertaking works more extensive and important than trial pits, such as shafts, tunnels, ditches, or excavations, shall file his application, in writing, with the civil governor or chief of the district, requesting permission to make explorations on free lands.

Whosoever, with or without a trial pit, prefers to register one or more claims on free lands, shall file with the said authority, in writing, his application for registration, stating whether or not he has discovered the mineral the working of which he proposes to carry on.

The explorer, as well as the register, shall forward at the same time a surface plan of the claim or claims, and shall be obliged to present to the civil governor or chief of the district, within twenty days, a certificate issued by the petty governor (gobernadorcillo) or investigating authority, stating that he has marked off in a visible manner the entire space included in his exploration or registry.

The explorer, whether an individual or a company, may include two claims in each exploration, provided there is free land.

ART. 22. The civil governor or head of the district shall immediately decree the approval of either petition, unless there should be a better claim.

The petitions shall be numbered, and the day and hour of their filing shall be recorded in stub books, one for explorations and another for registries, which each interested person shall sign, to whom there shall then be delivered the proper receipt, authenticated by the secretary of the office, stating the ordinal number pertaining to the application.

ART. 23. The authority mentioned in the foregoing article shall order that the application for exploration or the registry be published within three days, with the surface plans of the same, in the list of announcements in the official paper, and that they be forwarded to the mayor or investigating authority for the posting of edicts.

ART. 24. Within sixty days after the publication of the application for exploration, or the registry, those who consider themselves as having a right to all or a part of the land requested, or the owners of the estate claimed, shall present to the civil governor or head of the district their objections; after this period they shall not be considered.

The said authority shall immediately inform the explorer or register of the objections, who shall reply to the same within twenty days; then, within another twenty days, he shall hear the objections and decide after reciving a report from a mining engineer.

ART. 25. The civil governor or chief of the district shall grant permission to make explorations.

For this purpose he shall order that a mining engineer shall examine, verify, and, in a proper case, correct the surface plan, and in view of his report, and taking the objections, if there be any, into consideration, he shall render a decision within five months after the presentation of the petition of the explorer.

ART. 26. From the decision of the civil governor or chief of the district granting or denying the permission for the exploration, an appeal lies to the governor-general, which appeal must be filed within thirty days after being notified of the decision, by the person who may consider himself prejudiced, be he the petitioner or one of the objectors.

If no appeal is filed, the permission of the civil governor or chief of the district shall be final.

ART. 27. Permission to make explorations shall be for two years.

Before obtaining permission the explorer may make the same legal works which in the following article are fixed for a register. After obtaining permission he shall continue his explorations according to the conditions prescribed in article 50.

ART. 28. The register shall perform, within a period of four months from the date of the presentation of his registry, the legal labor of 10 meters, either in depth by means of a shaft or horizontally by means of a tunnel, ditch, or excavation.

Every register may aspire to convert his registry into an exploration before or after concluding the legal labor. The civil governor or chief of the province shall grant said permission according to article 25.

CHAPTER V.—*Surveys and concessions of property.*

ART. 29. No survey shall be made unless it appear that some mineral included in those mentioned in articles 1, 6, and 7 has been discovered, according to the opinion of the engineer, and if in order to make said survey it is necessary for those interested to include properties of those mentioned in article 10, the consent of the civil governor or chief of the province must previously be obtained if the owner thereof should not give his consent.

ART. 30. Within four months after the filing and admission of a registry, the applicant shall ask for the survey of his claim or claims, furnishing samples of the mineral he may have found, except in case of registry by forfeiture.

The explorer who at any time may find sufficient mineral, according to the previous article, shall also furnish samples and shall request a survey.

ART. 31. The civil governor or chief of the province shall then order that an engineer make an investigation, and, if proper, the survey in the order prescribed by the regulations.

The engineer shall perform these duties within a period of six months, which the civil governor or chief of the province may extend to eight months if serious obstacles should occur, which shall be reported in the proceedings.

Previous notice shall be given to the register or explorer of the time of the examination and survey of his claims, which period shall be fixed and peremptory within limits which can not exceed twenty days, under the responsibility of the commissioned engineer. The owners of the adjacent mines shall also be notified; and, furthermore, the survey shall be previously announced in the official organ of the seat of the district.

ART. 32. If the examination should reveal the fact that the legal labor has been performed or that there is free land, and that ore

has been discovered according to article 29, the engineer shall immediately survey the claim or claims according to the surface plan, securing samples of the mineral and designating the points where the bounds or landmarks are to be fixed, which shall be firm, durable, and easily seen.

If the engineer should find the surface plan defective or poorly made, either on account of inaccuracy of the measurements or by the superimposition of some part of another claim that has a better right, he shall correct it in the survey, in concurrence with the interested person, providing there can be found free land.

ART. 33. The engineers shall avail themselves of the north magnetic pole in determining directions, but shall always, when possible, determine the position of the mouth of the mine of the legal work with regard to stationary and visible objects on the land, noting their distances, and obliging the miners to constantly preserve their landmarks subsequently in the best possible condition.

ART. 34. When the examination of a registry for the purpose of survey reveals the fact that ore has not been discovered according to article 29, the civil governor or chief of the district shall declare the registry void and the land free, unless the register should have previously applied or should apply within the eight days following the examination requesting permission to make explorations on the same site. In such case the provisions of articles 25 and 28 shall be observed.

ART. 35. Complete and incomplete claims, surplus lands, groups of mines, general galleries, dumps, and scoriæ shall be surveyed in accordance with their respective conditions according to articles 13, 14, 15, 16, 17, 42, and 47.

An explorer who should have marked off two claims, according to article 17 and the fourth paragraph of article 21, may demand the survey of both or of one only in the manner which may best suit him within the designation. The remaining land shall remain free.

ART. 36. Within forty days after the survey the civil governor or head of the province shall forward the proceedings, together with the objections, should there be any, and with his report and reasons therefor, to the governor-general for his decision. Should there have been any objections, the governor-general shall hear the proper section of the council of administration, and before that, the engineer, should there be any doubt with regard to technical points.

ART. 37. The title of ownership shall be issued to the concessioner in my name by the governor-general. There shall be stated therein the general conditions of this decree and of the regulations which may be prescribed for its execution, and, in a proper case, the special conditions required for the convenience of the public, in view of the nature of the mineral or the conditions of the land and of the company.

If any of the conditions imposed should be objected to, the same

claim or claims can not be granted to another company or individual except under the same conditions, unless the original claimant shall voluntarily renounce his preferred right to the same in writing.

ART. 38. As soon as the governor or chief of the district shall have received of the governor-general the title of ownership he shall order its immediate delivery to the interested person, and shall commission the local authority that within the precise term of two months he shall give possession of the claim or claims to the owner thereof in the presence of the court clerk.

ART. 39. The concessions of mining claims are for an unlimited time, while the owners comply with the conditions of this decree and the special conditions contained in the title of ownership.

CHAPTER VI.—*General galleries for explorations, drainage, and transportation.*

ART. 40. Whosoever proposes to drive a tunnel or gallery in free lands may, should he consider it advisable, request the concession of a group of mining claims under the conditions of article 16. Should this not be possible, owing to said tunnel having to cross lands occupied in whole or in part by mines already granted or registered or being explored, the constructor shall be obliged to previously come to an agreement with the persons interested.

ART. 41. The constructor shall present his petition to the civil governor or to the chief of the district, with the plans of the proposed works signed by a mining engineer, and an authenticated copy of the agreements made with the miners then having an interest in the land, in order to obviate subsequent questions and for the arrangement of reciprocal advantages.

The proper publications having been made, the said authority shall forward the proceedings to the governor-general for his decision.

ART. 42. The constructor of a general gallery may be granted, for drainage purposes, the option of a determined number of claims selected by himself from among the free or undenounced ones on the land where his work is situated, or within a reasonable distance therefrom. These claims shall be the object of an exploration or registry according to the provisions of this decree as his subterranean works advance until they are passed, with the privilege of refusing those which may be of no service to him.

ART. 43. The works of a general gallery shall follow the line or lines indicated in the concession, and if in any case the constructor should desire to change the direction thereof he shall request permission, which may be granted after proper proceedings.

ART. 44. Every owner of a mining claim is obliged to permit the passage of a general gallery. He is also obliged to respect the supports of the gallery, abstaining from extracting mineral in such manner as to leave the walls of said tunnel less than 2 meters thick unless he should properly strengthen said walls at his own expense.

The price for the services of drainage, ventilation, and extraction furnished by the constructor of a tunnel or gallery to any miner, whatever may be the means employed for the purpose, shall be agreed upon by mutual consent, and if an agreement can not be reached, by a valuation made by experts named by both parties and another appointed by the civil governor or chief of the district, who shall decide the question, in view of the expert report thereon, taking into account the circumstances of each case.

On his part the constructor of a general gallery can not extract more mineral than is found strictly within the line of his tunneling works, the extraction thereof being at his own expense, and if he should have found it below a surveyed claim the product shall be divided equally between the constructor of the gallery and the owner or claimant of the mine. This rule shall obtain when the private agreements shall not have included and determined all questionable points between the interested persons.

CHAPTER VII.—*Concession of dumps and scoriæ.*

ART. 45. The dumps of mines and the scoriæ from reduction works shall be objects of concessions, provided that they are abandoned.

ART. 46. The petition shall be addressed to the civil governor or chief of the district accompanied with the surface plan.

The legal labor shall consist in digging three pits or shafts in different parts of the patch, having the necessary dimensions to clearly show the character and condition of the scoria or dump. The authority mentioned shall forward the proceedings to the governor-general for his decision.

ART. 47. The plans and surveys of scoriæ and dumps shall be in the form of a polygon and rectilinear, as the petitioner may designate; but their superficial area shall not exceed the double of a claim, according to the second paragraph of article 13—that is, 300,000 square meters for one person or company.

The institution of these proceedings and the possession of dumps and scoriæ shall take place in the manner prescribed for granting registers of mining claims.

ART. 48. When a person who is not their owner shall request permission to work a mine or a surveyed claim including a dump or scoria, the owner of the scoria or dump shall be granted preference in the working thereof should he consider it proper, indicating his purpose within thirty days after receiving notice.

CHAPTER VIII.—*General mining conditions.*

ART. 49. The owners and explorers of mines shall work them according to the rules of the industry, and shall comply with the provisions for safety and police which may be fixed in the regulations.

Offenses shall be punished by fines not to exceed 200 escudos, nor

400 in cases of repetitions. Should a crime also have been committed, the punishment shall be in accordance to common law. If the miners should find one or more workable minerals different from that which is the object of the concession or exploration, they shall inform the civil governor or chief of the district thereof, and the latter the governor-general of the fact, for the purpose of mining statistics.

ART. 50. On taking possession of mining claims, dumps, or scoriæ by virtue of a title and the concessions for explorations, there shall be begun in the said places regular work, which must be continued for at least one hundred and eighty-three days of the year.

Mines, dumps, or scoriæ, in order to be considered as working or in activity, shall have four laborers per claim at work during half of the year.

ART. 51. In the general tunnels or galleries it is required that a similar amount of work be performed from the date of taking possession thereof as that prescribed in the foregoing article. The persons ordinarily employed must be at least the number required for a mining claim, without prejudice to a greater number of laborers, if it should have been stipulated in the conditions of the concession.

ART. 52. It is not necessary that the working gang be distributed among all the claims, but they may be placed where in each case the interests of the company may demand.

In the computation of the work, account shall be taken of the mechanical force employed.

ART. 53. The least amount of labor which must be performed annually on a mining concession as a proof of having had the number of laborers prescribed by law, shall be fixed by the regulations, according to the conditions and circumstances.

When the difficulty of working and utilizing the products of a mine, scoria, or dump is demonstrated, the governor-general may authorize the reduction of the working gang to half that prescribed by article 50 for the maximum period of two years.

ART. 54. During the course of the proceedings registers may pursue their mining operations at their pleasure; but if objections should be made all work shall be suspended unless a bond be given, sufficient in the opinion of the civil governor or chief of the district and of the governor-general in case of an appeal.

ART. 55. Every miner shall grant permission to facilitate the ventilation of adjacent mines; he shall permit, for an indemnity, if proper, the subterranean passage of the waters of said mines in the direction of the general drainage, and shall permit on the surface of his claims the transit that may be necessary for the service of other claims.

The losses and damages caused to other mines, either by the accumulation of water in the workings, if upon notification it is not drained within the time required by the regulations, or in any other

manner injurious to foreign interests within or without the mines, in workings prior to, simultaneous with, or subsequent to the extraction of minerals or zaffer, shall be indemnified by private agreement or by an appraisal by experts according to common law.

If in the above cases or in those of indemnification to the owner of the land the miner's insolvency should be legally declared, he shall be considered as an intentional offender for all legal purposes.

ART. 56. Miners may obtain the free and full use of all or part of the surface of their claims for warehouses, workshops, buddles, reduction works, slag and waste piles, roads, and other similar purposes, all within the strict requirements of their industry. If for this purpose they can not agree individually with the owners of the lands with regard to the space they propose to occupy and the price thereof, they shall petition the civil governor or head of the district for the immediate application of the law of condemnation of property, which in these cases is proper and which shall have effect within two months with the indemnities established in article 5.

If the surface of the concession should not be sufficient or adequate for the requirements referred to in the foregoing paragraphs, the miners may obtain outside thereof the land which, in the opinion of the engineer, should be sufficient, after separate proceedings, whether said land is adjacent or not, although near the claims granted or requested, and which proceedings shall include those of eminent domain when and in the manner which may be proper, without prejudice to acquired or instituted rights.

If the roads must be extended or opened beyond the mining claims, they shall be subject to the general provisions governing the same.

ART. 57. Miners may freely dispose in the same manner as any other property of any rights guaranteed them by this decree. There are excepted, however, the mineral products controlled by the Treasury Department, with regard to which the special orders which govern in the matter shall be observed.

ART. 58. In order to dispose of minerals it is necessary that the miner shall have obtained the title of ownership to his claims.

Nevertheless, when the mines should have been surveyed without objection, the civil governor or head of the district may grant authority for the sale of the mineral, informing the general direction of the civil administration, and declaring the person interested subject to the provisions of articles 81, 82, 83, and 84.

ART. 59. The scoriæ and dumps contained in mining claims are the property of the owners of the latter, providing they have not been granted or registered by others before their registry.

The owners of mines, tunnels, and general galleries have the use of the waters found in their works while they retain the ownership of their respective possessions. However, if they should voluntarily or involuntarily cut off or turn aside any water destined to irrigation or

to the supply of some town, the water shall be returned to its former channel and the losses and damages indemnified, with civil liability and, in a proper case, criminal liability.

ART. 60. Miners shall be considered as residents of the towns within whose districts their mines may be situated with regard to the use of waters, forests, grazing and pasture grounds, and other common benefits relating to their industry, subjecting themselves to the observance of the respective provincial ordinances.

They may also establish a cockpit and supply themselves with meats from a slaughterhouse for the mining establishment, provided that the number of workmen employed exceeds 100, and that they pay the lessor or contractor of the land the charges or taxes which may be proper and which are established as a general rule for the benefit of the public treasury or communal funds. The miners shall furthermore enjoy the permission granted to farmers of the first class for the introduction of Chinese laborers engaged in agricultural pursuits, according to a provision in force of the superior civil government of the islands of August 5, 1850; but as mineral deposits are almost always situated in uninhabited and unhealthy points, they shall pay for every Chinaman the same capitation tax which is paid by natives while he is a mining laborer exclusively.

In order that mining companies may enjoy this authorization, the following shall be indispensable conditions:

1. That before the introduction into the islands of Chinese contracted abroad, the company request permission through the head of the province in which the mine is situated, mentioning the point of landing and the number of laborers. The chief shall make a report on the petition.

2. That said Chinese workmen reside close to the mine, and under no circumstances in the near-by towns.

3. That the transfer of residence to the mine of Chinese already residing in the country be requested by the company through the head of the province, in order that the requisites established may be filled and that the workmen be removed from the industrial poll.

4. That the company be responsible for the capitation tax for said workmen by quarters in advance.

5. That when payment is made a nominal sworn statement of said workmen be presented, stating the changes which may have occurred during each quarter.

6. That the head of the province may take lists of the Chinese workmen present at such times as he may consider proper, and inspect the works in which they are engaged, in order to correct the poll and the tax quotas fixed as well as to pass upon the disputes between the company and the workmen, giving the latter, when necessary, the legal protection which they may need on account of abuses of the former.

ART. 61. The natives or mixed races (mestizos), as well as their wives and children, who pass, as workmen of mines or reduction works to points where a company has mines, tunnels, or general galleries, and where there does not exist within a radius of 2 leagues any Christian town of more than 300 families, shall enjoy the following benefits:

1. Reduction by half of the "carga de polo"[1] and personal services which each mining colony shall render in the district, if satisfied in person; but if it should be redeemed in money, this reduction shall be limited to one-third, each taxpayer paying in such case 2 escudos every six months in advance—that is to say, 4 escudos for the redemption of each year, instead of 6 which is paid as a general rule.

2. Every mining colony having a population of more than 250 families shall be declared a town, with its own municipal administration.

The chaplain of these new towns shall have parrochial powers and his salary shall be paid by the owner or the mining company, as long as there are not 500 families; after this period the State shall pay it, as is done in other parishes newly established.

ART. 62. The registers of complete or incomplete mining claims, of surplus lands, scoriæ, or dumps, and those who request the privilege of making explorations, shall deposit with the civil governor or head of the district the amount of the fees which are fixed in the regulations to cover the official expenses. They shall also pay at the proper time the cost of the issue of titles of ownership.

ART. 63. Whosoever may have dug a trial pit and then abandoned it is obliged to refill the same, and may be compelled to do so by the local authority or by the owner of the land.

The register or explorer who may abandon their projects shall give fifteen days' notice to the civil governor or head of the district and must close their shafts, under the penalty of a fine not to exceed 200 escudos.

The owner of mines who should wish to suspend work and abandon the mines shall close his shafts and inform the civil governor or head of the district of his intention one month in advance, under the penalty of a fine not to exceed the said amount.

The civil governor or head of the district shall order an engineer to examine the works of whose suspension or abandonment he has been advised, in order that he may testify or report on its condition of safety and whether the shafts are sufficiently inclosed.

ART. 64. Until the register, explorer, or owner of a mine, scoria, or dump notifies the proper authority of his suspension or abandonment

[1] Personal services of forty days per annum which, in the Philippines, every male Indian, native, or mestizo is obliged to render when he attains the age of 16 years, if emancipated, and at 18 years if living under the guardianship of his parents, until he attains the age of 60 years, and which obligation he may be exempted from by paying 12 cuartos for every day's work.

thereof, he shall remain subject to the prescriptions and charges of this decree.

CHAPTER IX.—*Cancellation of proceedings, forfeiture of concessions, and procedure in new awards.*

ART. 65. Proceedings relating to mines, scoriæ, and dumps shall be discontinued and lapse:

First. When after a notice there are lacking any of the requisites established in this decree for registers, viz:

The deposit of the amount fixed by the regulations to cover the official expenses and pay for the issue of titles of ownership.

The attachment to the registry of the designation.

The filing of a surface plan or a certificate that the land has been marked off according to articles 21 and 46.

The performance of the legal labor.

A request for a survey within the fixed period, and, when an action is instituted to enforce the payment of the surface tax, he should be found insolvent.

In cases relating to permission for explorations a similar method shall be employed, with the difference that the legal labor is not obligatory, but the petition for survey shall be necessary as soon as mineral may have been discovered according to articles 1, 6, 7, and 30.

Second. When any of the registers of mining claims, spaces between claims, dumps, or scoriæ, or those requesting permission to explore, should advise the proper authority in writing that he has abandoned his plan or purpose.

In any of the above cases the civil governor or head of the district shall declare in the manner prescribed in the regulations that the case is closed or canceled, and that the lands of the mining claims, dumps, scoriæ, or explorations are free and may be applied for.

ART. 66. The ownership of mining claims, dumps, or scoriæ is lost and forfeited:

First. When the conditions of the concession contained in the title of ownership are not fulfilled according to this decree and the regulations for its execution.

Second. When, by poor management and performance of the works, their destruction is imminent, provided that when notified the owner does not strengthen them within the term which may be fixed, and according to the instructions of the engineer, approved by the civil governor or head of the district.

Third. When the surface tax prescribed in article 80 is not paid, and when action is instituted to enforce said payment, he should be found insolvent.

Fourth. By abandonment, the rules established in articles 50, 51, 52, and 53 not being observed.

Fifth. By voluntary renunciation, relinquishing the claim or claims in the manner prescribed in article 63.

Those who may have obtained permission to explore can not be dispossessed, except for some of the causes specified in this article, and according to the formalities and procedure and with the right to appeal prescribed in article 69.

ART. 67. In the first and fourth cases of the foregoing article valid exceptions shall be war, famine, or an epidemic within a radius of 60 kilometers, fire, flood, earthquakes, and bad weather which prevents the working of the mines, and always force majeure duly proven.

ART. 68. From the decisions of the civil governor or head of the district officially declaring pending cases discontinued and forfeited, according to article 65, the person interested may appeal to the governor-general, in accordance with article 89, within thirty days after the notification.

Without prejudice to publishing or announcing at the proper time the proceedings discontinued, the civil governor or head of the district shall insert every six months in the official periodical of the seat a list of the mining claims, dumps, or scoriæ declared for any legal cause open to registry during that period of time.

ART. 69. In the cases of article 66 the civil governor or head of the district shall declare the forfeiture, after proceedings of investigation instituted either officially or at the instance of another by means of a registry.

These registries of mines that may have been worked in former times, or for which titles of ownership may have been acquired in recent times, shall be confined to a petition for the institution of proceedings, in order that in either of the two cases when forfeiture is declared, or if it should have been already declared, the mine be awarded to the petitioner. The latter shall attach to the registry a plan of the property, and after the forfeiture has been declared, or should it appear that it was previously declared forfeited, he shall request a survey without being required to perform the legal labor.

The concessioner, who in consequence of such registries or by official proceedings should consider himself injured in his rights by the declaration of forfeiture, may appeal to the governor-general within a period of thirty days after receiving notice; and if he should consider himself injured by the decision which the former may render, he may appear before the council of administration by means of administrative litigation within a period of thirty days after receiving notice. From the decision of the council an appeal lies to the council of state in the terms prescribed in the royal decree of July 4, 1861.

When the forfeiture of a concession of a mine, dump, or scoria has been finally decreed, or permission to explore, or the closing of registry proceedings having been ordered, the civil governor or head of the district shall declare that such lands are open to registry,

announcing the same to the public. In case of a declaration of forfeiture as a result of a registry, the applicant shall have the preference for the survey and subsequent possession.

If after the forfeiture of a concession of a mine, dump, or scoria, or permission for exploration, or registry proceedings have been declared closed, the adjoining lands should be registered or granted in such manner that a complete claim can not be included therein, the original mine shall contain the area it had originally, and if said dimensions should not be known, or if the free land should not be sufficient to include the same, the new petition shall have no effect, and said space shall be included in the common order of surplus lands.

ART. 70. If after a forfeiture has been declared it should suit the new register to use the buildings of the forfeited claim or claims, or employ the machinery that there may be thereon, he shall have the right to have them condemned according to law.

ART. 71. In claims abandoned for a period of ten years without being registered or without being worked anew, the lands which may have been occupied for mining requirements and easements and the sites of buildings rendered unserviceable for their original purpose shall fully revert to the owner of the estate.

CHAPTER X.—*Reduction works.*

ART. 72. Every worker of minerals in stationary establishments shall enjoy the rights, have the obligations, and be subject to the indemnities referred to in Chapter VIII of this decree, provided that the provisions contained therein are applicable to the said workings.

ART. 73. When the worker can not agree with the owner of the land where he desires to build his reduction works, he shall apply to the civil governor or head of the district in order that, the proceedings prescribed by the law of eminent domain being instituted, a declaration may be made as to whether or not the establishment is of public utility. From the decision of the civil governor or head of the district either the manufacturer or the owners of the land may appeal to the governor-general, whose decision shall be final and can not be appealed from.

ART. 74. When high or smelting furnaces or any other class of reduction works are to be established which require vegetable fuel or waterfalls, the authorization of the governor-general is necessary, after proceedings instituted by the civil governor or chief of the district, with a hearing of the persons interested, of a mining engineer, of another engineer or official of forests, and of the council of administration.

The civil governor or head of the district can not delay for more than six months the time for instituting the proceedings and to forward them to the general direction of the civil administration.

ART. 75. All that relates to mineral-reduction works that is not determined in this chapter shall be governed by the rules of common law applicable to other industrial works. the sanitary and police rules and regulations being observed.

CHAPTER XI.—*Taxes with regard to mining.*

ART. 76. The fixed surface tax of 40 escudos shall be paid annually on each mining claim of the dimensions mentioned in the first paragraph of article 13.

The claims of the second paragraph of the same article, even though of greater dimensions than the others, shall only pay 20 escudos.

The scoriæ and dumps shall pay an annual tax of 50 escudos for every 40,000 square meters of area.

The incomplete claims and the surplus lands shall pay in proportion to their respective areas.

A similar payment shall be made for claims granted at the present time which have a smaller area, from the date on which these provisions go into operation.

Permission for explorations shall pay 20 escudos annually, whether for one or two claims.

General galleries shall pay the tax corresponding to the mining claims reserved to them by the concession from the day on which they were registered or exploration was begun according to article 42.

The tax shall commence to be counted from the date of the survey of mining claims and from that of the concession of permission for explorations, respectively.

ART. 77. The mining claims actually granted, the incomplete claims, and the spaces between claims, and those the concession of which is pending, shall enjoy the benefits of this decree, applying to them the tax according to article 76 with the corresponding discount by reason of the smaller area they may have, compared to the new claims herewith established; but those pending shall also be subject to the payment of the tax from the day on which these provisions go into operation.

ART. 78. Mining claims of iron ore shall continue exempt, as up to the present, from the payment of an annual surface tax for a period of thirty years, computed from the publication of this law.

ART. 79. All ores or metals of whatsoever character may be exported from the islands, and shall not pay any export duties until otherwise prescribed in the tariffs.

Anthracite coal which may be imported for the requirements of metallurgy shall also be exempt from the payment of import duties, with the same proviso.

The tariffs shall fix the duties to be paid on the importation of other foreign mineral products.

ART. 80. There shall be paid furthermore 3 per cent of the total

products without deduction of costs of any kind whatsoever. All the substances mentioned in article 1 shall be exempt from the payment of the 3 per cent tax for a period of thirty years.

ART. 81. The mining and metallurgical industries can not be charged with any contribution or other impost with the exception of those herein mentioned. Neither shall a tax of any other kind be imposed on the circulation and transportation of minerals within the islands, or along the coasts, but they shall be confiscated if transported without the invoice showing their origin.

CHAPTER XII.—*Authority and jurisdiction in mining.*

ART. 82. All proceedings instituted in order to obtain mining concessions are purely administrative. They shall be finally decided by the governor-general of the islands.

ART. 83. The governor-general, whenever he deems it proper, and when the proceedings instituted relating to concessions of property are objected to, shall hear the council of administration in full or the section of administration and of the interior. If it were possible that the matters in question might become the subject of litigation, they shall be reported upon by the said section only.

ART. 84. Every provision or measure taken by the civil governors or chiefs of districts in mining matters may be administratively appealed from to the next higher authority by the person who considers himself prejudiced, but the appeal must be forwarded through the authority who rendered the decision, who shall attach his report thereto.

ART. 85. With reference to final decisions rendered by the governor-general relating to mining, an appeal lies to the council of administration by administrative litigation—

1. From the resolutions confirming or rejecting the permission or refusal to make explorations.

2. From those rendered granting or refusing authority to drive tunnels or general galleries.

3. From those granting or rejecting the decisions rendered granting or refusing the ownership of mines, scoriæ, dumps, or general galleries.

4. From those declaring the forfeiture of a concession according to article 69.

ART. 86. The appeals through administrative litigation referred to in the foregoing article may be filed by those interested in the resolutions, with regard to which they have this remedy, as well as by any others who within the legal period may have presented their protests to the civil governors or heads of districts in order that, according to articles 36 and 46, they may be united to the respective proceedings.

ART. 87. The period for taking the appeal referred to in the two foregoing articles shall be that prescribed in the regulations of procedure in questions of litigation of the administration of July 4, 1861.

ART. 88. Whosoever may institute proceedings in mining or metallurgical matters must have a representative in the capital of the respective district. In the absence of the principal and of his agent the publication of a ruling in the official paper, or in the absence thereof a poster affixed in the usual place, shall have the same legal effect as a personal notification.

ART. 89. The cognizance in administrative litigation of questions instituted between the administration and the concessioners with regard to the interpretation and fulfillment of the conditions fixed in the concession pertains to the council of administration.

ART. 90. The ordinary courts shall take cognizance of all questions relating to mines, scoriæ, dumps, tunnels or galleries, and reduction works that may be instituted between parties with reference to ownership, profits, and debts, as well as of the ordinary crimes which may be committed in the said establishments and their dependencies.

The intervention of the ordinary courts shall not interfere with the progress of the administrative prosecution of proceedings, nor the prosecution of the works. In suits against mining establishments for debt, an attachment of all or part of the output may be ordered, and also, in a proper case, an execution on and sale of the establishments themselves; but this judicial proceeding shall not impair the workings, supports, drainage, and ventilation of the mines attached nor of the neighboring ones.

The civil governor or head of the district shall exercise a surveillance over this subject.

ART. 91. The courts competent to take cognizance of cases of fraud against the interests of the public treasury shall also have jurisdiction in those relating to fraud in the payment of mining taxes and in the shipment of minerals and metals without the proper invoice.

CHAPTER XIII.—*Mining engineers.*

ART. 92. The members of the royal corps of mining engineers shall continue as to the present time, rendering their services in these islands, discharging the scientific commissions of their profession, and exercising the powers which pertain to them according to this decree and the regulations. In order to assist the engineers in their work, there shall be the number of technical assistants which may be required by the service.

The regulations shall determine the organization of the service in the islands. The Governor-General, in accordance with the conditions contained in said regulations, shall distribute the existing engineers according to the said requirements.

It is the duty of the said engineers to prepare the statistics of the mining proceedings in which they take part, and to make the annual report of the service. Of both works a copy shall be sent to the supreme government.

General Provisions.

1. In all mines and mining establishments the Government shall exercise, by means of a corps of engineers, the surveillance or inspection necessary to enforce compliance with this decree, subject to the regulations.

2. The regulations shall determine the manner in which said inspection is to be made, and if there should be any kind of workings which require the direction of an engineer or authorized expert; who may employ experts and who are excepted from either obligation.

3. The concessions and authorizations granted according to the organic royal decree of 1825, with the subsequent explanations, shall continue in their actual status, provided that the conditions under which they were issued be exactly fulfilled, entering immediately on the enjoyment of all the advantages which this decree extends to them, provided third persons are not prejudiced thereby.

4. All the periods of time which are fixed in this decree shall begin to be counted from the day following that of the administrative notification, that of the citation or publication in the official papers, or in their absence, on posters affixed in the usual places, or that of the insertion in the same of the resolutions of authorities as will be specified in the regulations.

Temporary Provisions.

1. The individuals or companies which may have obtained the property of mining claims according to the prior law may acquire a larger number of contiguous claims in free land, petitioning for the same as provided in article 16.

2. The proceedings pending on the publication of this decree shall be concluded according to the procedure established therein as the shortest and most expeditious, unless the interested persons should declare in writing to the civil governor or chief of the district that they prefer the former procedure, within sixty days of the publication of this decree.

Final Provision.

All general provisions relating to mining prior to the publication of this decree are hereby repealed.

The Governor-General shall submit the regulations for its execution to the approval of the Government.

Therefore, we order, etc.

Given in the Palace on May 14, 1867.

Rubricated by the Royal hand.

Alejandro Castro,
Colonial Secretary.

REGULATIONS FOR THE EXECUTION OF THE ROYAL DECREE ON MINING IN THE PHILIPPINE ISLANDS.

REGULATIONS FOR THE EXECUTION OF THE ROYAL DECREE ON MINING IN THE PHILIPPINE ISLANDS.

CHAPTER I.—*Objects of mining.*

ART. 1. The special objects of the mining industry are all inorganic substances mentioned in the royal decree, whether found in veins, strata, pockets, or in any other form, providing that their working and profit require well-ordered workings on the surface or under the surface, according to the conditions of the industry.

Precious stones, in all cases in which they can be developed, shall also be the special objects of mining, whatever be the form and place of discovery.

ART. 2. When in petitions for mining workings the substances to which reference is made in article 1 of the royal decree are confounded with those mentioned in article 3, the civil governors or heads of the districts shall, on the presentation of the petition, take the proper steps in order that, being drafted in the proper manner, the special procedure prescribed in the said royal decree, according to the different objects of the concession requested may be observed.

If, after the expert report has been received, there should arise any reasonable doubt as to the nature of the substance which it is proposed to develop, or when the respective owners of the land should raise doubts before the expiration of the period fixed for the admission of objections to the mining petitions included in article 1 of the royal decree, and before the survey, with regard to petitions for mineral products mentioned in article 3, the civil governors or chiefs of the districts shall suspend the course of the respective proceedings and shall immediately inform the general director of the civil administration, requesting the proper decision in view of the reports of the mining inspector and of the section of Government and of the Interior of the council of administration.

These decisions shall be final, from which there shall be no subsequent appeal. They shall be published in the *Gaceta* and shall serve as precedents for future cases.

ART. 3. The mineral productions mentioned in article 3 of the royal decree shall be of free utilization if the owner of the land consent thereto, even in cases of applying said products to potter's productions, the making of crockery or porcelain and fire brick, crystal or glass, or any other branch of the fabrile industry; and only for these purposes, when the owner should refuse his consent, may the governor-

general grant authority to develop the same, after the institution of proceedings by the civil governor or head of the district in the manner and with the formalities the said royal decree prescribes in article 4.

For the purposes of the said article of the royal decree and of the following one, by development shall be understood the extraction and alienation or assignment of the mineral products to which they refer, even though the owner of the lands, or the concessioner in a proper case, should be neither the industrials nor the manufacturers who immediately apply them to the uses indicated in the preceding paragraph.

ART. 4. The proceedings instituted in order to grant authority to develop the mineral products named and indicated in article 3 of the royal decree shall commence with the petition presented by the interested person, drafted in accordance with the formula contained in Form No. 1.

The civil governor or head of the district shall order that the proper notice be given to the owner of the land, in order that he may, as such owner, within a period of thirty days, set forth the reasons for refusing permission for the development, or state whether he binds himself to do so on his own account.

In the latter case, the proceedings shall be forwarded to the governor-general through the proper channels in order that after a report from the engineer and of the section of government and of the interior of the council of administration the period may be fixed within which the owner of the land must commence the development, which shall not be less than three months, according to article 4 of the royal decree. During the period which may be fixed the petition for authorization shall remain in suspense and shall be granted only if the owner of the land should not begin the work of development within the same period. Under the expectation of this occurring, the reports of the engineer and section of the council of administration shall include the reasons which would advise the granting of the concession requested.

If the owner of the land within a period of thirty days should not state anything with regard to binding himself to make the development on his own account, it shall be considered that he renounces his right to do so; and in such case, as well as in the case of his refusing to develop the land of his property, with a statement of the reasons on which he bases his refusal to consent to the development by a third person, the proceedings shall be forwarded to the general direction of the civil administration for the proper decision, after a report of the engineer and of the section of government and of the interior of the council of administration.

This decision shall be considered final, without further remedy, whether it refuses or grants the authority.

ART. 5. If the governor-general should grant the authority to a stranger to develop on private land the products referred to in article 3 of the royal decree, the civil governor or head of the district shall take the proper steps in order that, the concession being at once notified, the lands to be occupied be immediately appraised, and that their owner be at once paid the appraised value of the land, and that the bond referred to in article 5 of the royal decree be given.

The appraisal shall be made by experts appointed by the persons interested and in case of disagreement by a third, appointed by the civil governor or head of the district when the others are appointed by the former. For this purpose due notice shall be given to said official of the appointments made, and the latter shall notify them immediately of the appointment of the third one.

The bond shall be fixed by the said civil governor or head of the district.

ART. 6. The indemnity having been paid and the bond referred to in article 5 of the royal decree and these regulations having been filed, the civil governor or head of the district shall order, without the slightest delay, that the land be surveyed by the proper engineer, informing the general direction of the civil administration of this decision, who will notify the engineer in order that it may be complied with.

The land surveyed, which shall never include more than 20,000 square meters, shall have the area and shape that the petitoner may have indicated in the petition for authorization, providing that it be polygonal and rectangular and with the least possible number of sides. A rectangular parallelogram shall be considered the most perfect and preferable.

The engineer shall prepare two topographical plans of the land that is to be developed, one of which shall be included in the proceedings and the other shall be delivered to the person interested. These plans shall clearly show the limits of the ground granted for development, fixing the starting point.

If, when the land is surveyed, there should result some differences in the land included in its perimeter and that which was the object of the appraisal, indemnity, and bond, the appraisal shall be corrected by the same experts if possible, or otherwise by others, selected in the same manner as the former ones. Until the corrections have been made, and the payments also, if the concessioner should make any, or until the amount thereof has been deposited in the manner established in the following article, work can not be commenced.

ART. 7. When any of the parties fails to appoint an expert, the civil governor or head of the district shall do so in his default.

The survey shall not be suspended, nor shall obstacles be placed in the way of the labors necessary for the development, by reason of the disagreement of the interested parties with the appraisals of the two

experts, or with that of a third, in case of the disagreement of the other two.

When this occurs, the individual to whom the authorization to develop has been granted shall deposit in the general treasury for deposits in Manila, or in the administration of the proper province, the appraised value of the indemnities, with the increase to which reference is made in article 5 of the royal decree, the payment of the amounts which correspond to the indemnities being reserved until the appeals entered by the parties have been decided in due form, in accordance with the provisions contained in article 95 of these regulations.

ART. 8. The forfeiture of the authorization, if the concessioner should allow one year to elapse without developing the substances referred to in articles 3 and 4 of the royal decree in order to comply with article 5, shall be officially declared or at the instance of a party by the civil governor or head of the district. There shall be considered as parties for the purpose of requesting a declaration of forfeiture the owner of the land, as well as any other interested persons who, with his consent or without it, desire to develop said substances in the same site or place.

From the declarations which may be made by the civil governor or head of the district in proceedings for forfeiture of authorization an appeal lies to the governor-general; but against this resolution of the Government, in which shall be first heard the proper section of the council of administration, there is no subsequent remedy.

ART. 9. Proceedings for permission to work auriferous and stanniferous sands or other mineral products of rivers and placers, when they are to be worked in fixed establishments and form mining claims, may be instituted without the construction of the reduction works being required before the petition is made, it being sufficient that the works be commenced within a period of one month, counted from the date on which said petition was presented.

Nevertheless, the concession can not be granted, neither can the proceedings be definitely approved, until it is proven within the period fixed by the governor-general in each case that the reduction works have been concluded, or at least ready to begin their labors.

ART. 10. In cases where the treatment of iron demands as prime material the ferruginous earths referred to in article 7 of the royal decree the proceedings shall be instituted immediately as all others in which a concession of mining claims is desired without it being necessary to prove the existence of fixed reduction works, nor for the explorers to build them, being considered in this case under similar conditions as concessioners of mines where the substances enumerated in article 1 of the royal decree are found.

CHAPTER II.—*Trial pits.*

ART. 11. The privilege of making diggings, called trial pits, in order to discover minerals, granted by article 8 of the royal decree, when the lands should not be destined to cultivation, shall be extended under similar conditions to the lands described, whether they belong to the State or to the towns or are private property.

ART. 12. When the owner of the land should refuse permission for these works to be done, the explorer may request it of the civil governor or head of the district, and the said authority may grant it in the manner prescribed in article 17 of these regulations.

ART. 13. The petitions which may be presented to the civil governor or head of the district in cases in which authorization is desired to dig trial pits in nonirrigated lands containing trees, or which are destined to pasture or tillage, when the owner or his representative has refused his consent, or two months should have passed without granting it, immediate notice shall be given to the owner and a period of thirty days shall be granted him in which to state the reasons for his refusal or silence. When this period shall have elapsed without any reply it shall be considered that he renounces his right to be heard granted him by article 9 of the royal decree. The petitions shall be drafted according to Form No. 1, with the proper changes.

ART. 14. From the decision of the civil governor or head of the district refusing or granting authority to dig trial pits, which are referred to in article 9 of the royal decree, an appeal lies through the said authority to the governor-general; but the decision of the latter shall be final, without further remedy.

ART. 15. Those who request permission of the owner of the land to dig trial pits, in the cases referred to in articles 9 and 10 of the royal decree, shall inform the civil governor or head of the district within whose district the trial pit is situated. The civil governor or head of the district shall make a memorandum in writing on said communication of the date of its presentation, clearly written out, and shall deliver to the person interested who signed it, or to his legal and accredited representative, a receipt, which shall be proof of the proper notice having been given to the said authority.

ART. 16. In order to obtain a mining property or concession, in no case can priority be alleged which is based on the dates of the petitions to dig trial pits or on the dates of their presentation or on the evidence of witnesses, or of any other character with which it is attempted to prove the time when the trial pit was dug, even though lands in which exploration is declared free by the royal decree should be in question.

ART. 17. The owners of lands, whether uncultivated or not irrigated, which contain trees or vineyards, or are destined to pasture or tillage, whether used as gardens, orchards, cane fields, or any other

irrigated estate, shall always have the right to demand of the explorer that he first give a bond to cover any indemnity for damage which the trial pit may occasion.

The indemnity, when not determined by mutual agreement, shall be fixed by experts named by the parties, and, in case of disagreement, by a third named by the civil governor or head of the district at the time the interested persons appoint their experts. For this purpose they shall give due notice to said authority of the appointment made and the latter shall immediately notify them of the appointment of the referee.

When the parties can not agree on the bond that is to guarantee the indemnities, the civil governor or head of the district shall determine the amount thereof.

He shall also fix the bond when the lack of consent or the refusal of the owner to dig trial pits on land belonging to him, of the character mentioned in the cases referred to in articles 8 and 9 of the royal decree, is supplied by the permission of said official.

ART. 18. If the parties interested in the case referred to in the foregoing article should not agree to the appraisement of the indemnity, the proceedings shall be by analogy according to the provisions contained in article 7 of these regulations, with regard to the authorization to develop mineral substances referred to in article 3 of the royal decree.

ART. 19. The distances of 40 and 1,400 meters required by article 12 of the royal decree to dig trial pits or make other mining workings in the cases, and under the circumstances therein mentioned shall be measured in buildings from the outer walls or fences; in railways, from the lower line of the embankment, from the upper line of the cuts, and from the outside line of the side ditches, and, in the absence of any of these, from a line drawn $1\frac{1}{2}$ meters from the outside rail of the road; in wagon roads, in the same manner as for railways, with the difference that in the absence of side ditches the measurements shall be from a line drawn 1 meter from the beaten road; in canals, from the outside line of the towpath; in fountains, from the outside part of the basin, should there be one, or from the place where the waters are deposited; in watering troughs and other public easements, from the outside line nearest the mining works; and, finally, in fortified places, from the defensive works which are most advanced and nearest to the site on which the mining works are to be executed.

ART. 20. The petitions for permission to make mining labors at a lesser distance than those fixed in the foregoing article shall be addressed through the civil governor or chief of the district to the governor-general or captain-general, the proper proceedings being instituted in either case, with a hearing of the mining engineer who is to report thereon and of the council of administration if public services or easements are in question. If the latter consist of canals

or roads, the proper engineer of this branch of the service must also make a report.

If the permission requested should be refused, whether by the governor-general or by the captain-general or by the owner of buildings of private ownership, it shall be considered definite without further remedy.

It is not necessary for this permission to be requested for the institution of mining proceedings, even though said roads, buildings, or easements are situated within the claims requested, provided that the works done, or which it is intended to perform, are situated at a greater distance than that indicated.

In the latter case the proceedings shall pursue their ordinary course, the engineers stipulating the special conditions which they may consider proper, in order that when the concessions are granted by the governor-general he may issue the proper orders.

CHAPTER III.—*Mining claims.*

ART. 21. The engineers who visit regions where mines are developed and those who make surveys shall take care to examine if between the claims already granted by the State there are bands or spaces unappropriated not of sufficient area to form claims according to articles 13 and 14 of the royal decree; and in either case, and whenever by other means they have knowledge of such facts, they shall advise the civil governor or chief of the district thereof. The latter, considering the lands as a surplus, according to article 15 of said royal decree, within a period of forty days, counted from the date on which they received the report of the engineers, shall begin to institute proceedings for award. The report shall be accompanied with a topographical plan of the claims between which lie the unclaimed bands or spaces not large enough to form incomplete claims; and in view thereof the civil governor or chief of the district shall order that the owner of the oldest adjacent mines be notified in order that he may declare whether he accepts or not the land which can be awarded to him as a surplus. In this case, as well as when the land exceeds two-thirds of a complete claim of its class, the notification requesting a statement of the acceptance or refusal of the surplus shall be sent to the other adjacent owners, being published in the official paper or on the notification boards of the offices of the civil governors or chiefs of the districts.

Objections shall be presented within a period of one hundred and twenty days, and both the owner of the oldest mine, as well as the others who by order of priority may have a right to the award of all or a part of the surplus, within the same period shall notify the civil governor or chief of the district whether they renounce or accept the same. After the time fixed shall have passed, their silence shall be interpreted as proof of their acceptance.

The one hundred and twenty days having elapsed, the civil governor or chief of the district, without any postponement of any kind whatsoever, shall make the award and order the survey, and the proceedings shall be forwarded to the governor-general with the written objections for the proper action, there being observed in all that is not specially provided for in this article what is prescribed for proceedings relating to complete claims.

Notice shall be given of the receipt of the reports and plans which the engineers forward for the purposes of this article, the date of their presentation being noted in the offices of the civil governor or chief of the district in the same manner as the presentation of petitions. From this date shall be counted the period of the forty days required by the first paragraph.

ART. 22. The owners of the mines adjacent to the surplus lands may also request the award of the same, subjecting themselves to the order of preference fixed by the royal decree; but they shall not be granted unless preceded by an examination and report of the proper engineer and the formation of the topographical plan to which reference is made in the foregoing article.

As soon as the petition is presented the civil governor or chief of the district shall order that the engineer make an examination, prepare the topographical plan of the claims between which are situated the unappropriated bands or spaces, and make a report within a period of six months, counted from the date on which they acknowledge the receipt of the order of said authority.

When these formalities have been complied with the proper notifications shall be given, and the proceedings shall pursue the regular course, subject to the rules prescribed in article 21 for *de oficio* awards.

ART. 23. In all cases of surplus lands, if they should not be expressly renounced by the owners of the adjacent mines, they must be awarded before two years have elapsed from the date of the concession of the latest mining claim situated within the perimeter of the free space between three or more claims, or which forms between two claims the band referred to in articles 14 and 15 of the royal decree.

ART. 24. For the survey and concession of incomplete claims and surplus lands, the following rules shall be observed:

1. Whenever between mines surveyed or being explored there should be enough free land in which to locate a complete claim, an incomplete one can not be surveyed; the complete claim must be preferred according to the royal decree, by reason of its being the unity of a concession.

2. In spaces which are not complete inclosed by mines or explorations, no incomplete claim shall be surveyed if it should be necessary therefor to take free land outside of this space which would afterwards prevent the location of other complete claims, and in such case the intervening space shall be considered as surplus land.

3. Even though there should be in a free space surrounded by other concessions or permissions to explore sufficient area to locate two incomplete claims or one complete claim, the latter shall always be surveyed, the remaining land remaining as surplus land.

4. If the free land, even though having a larger area than a complete claim, should not have a length of 300 or 500 meters, which is respectively required by article 14 of the royal decree, according to the class of claim, two incomplete adjoining claims may be surveyed in such manner that each have at least an area of 40,000 or 100,000 square meters and less than 60,000 or 150,000, as the case may be.

5. The intervening free spaces which do not have an area of at least 40,000 or 100,000 square meters, according to the cases, or which if they have a greater area do not have the circumstances mentioned in article 14 of the royal decree, shall be considered as surplus lands.

6. When between surveyed claims there should be a band of free land, the width of which is less than 200 or 300 meters, according to the class of the claim, adjoining incomplete claims may be surveyed.

7. If between surveyed claims there should be old mines whose forfeiture, abandonment, or renunciation has already been declared or carried out, such lands shall be considered as incomplete claims or surplus lands, according to the provisions of the foregoing rules.

8. Only in case that in consequence of a registry, a declaration of forfeiture should be requested, when it has not already been declared and after having been finally ordered, the civil governor or chief of the district shall declare said land as open to registry, can the original claim reappear, in accordance with article 69 of the royal decree, in favor of the denouncer as a special favor granted him by the royal decree by reason of his denunciation.

ART. 25. Each set of proceedings instituted with reference to mines can embrace only the number of claims that a single petition can contain according to the cases referred to in article 16 of the royal decree. The only exceptions are the petitions of mining groups, which may be made in the manner designated in article 50 of these regulations.

To the petitions made in the name of general or special partnerships and corporations, and also of special mining companies when legally established, shall be attached the articles of partnership or corporation or a certified copy thereof, proving its social existence.

ART. 26. If the registry should relate to a deposit or patch of turf that does not reach the size of an incomplete claim of its class, a plan thereof may be made in the form of a rectangle, inclosing or including the deposit. The concession shall be limited to this place, there being observed in its grant the prescriptions issued for others of its kind.

When it is proposed to develop various small patches of turf they shall be requested and indicated in one petition for registry, all those

existing in the space of four contiguous claims of the dimensions mentioned in the second paragraph of article 13 of the royal decree, or in double that space if a company should claim it, without prejudice to the survey of each patch by itself when proper, forming a rectangle large enough to inclose or surround it entirely.

In the topographical plan each patch shall be distinctly marked according to its situation, and in the minutes of the examination and survey its superficial area shall be mentioned, as also the number of square meters of all the patches which may be the object of the concession. This shall be limited to the spaces surveyed, and the concessioners shall pay the surface tax corresponding to the said spaces according to the second, fourth, and eighth paragraphs of article 76 of the royal decree.

In order to consider these concessions as duly worked it will be sufficient that they have the number of laborers corresponding to the spaces of one or more claims originally designated, the intermediate spaces remaining free for mining claims of other kinds.

ART. 27. In order to separate two or more claims that have been the object of one concession, the proper proceedings shall be instituted, commencing with the petitions of the persons interested, then hearing the proper mining engineer, and then being forwarded with a report of the civil governor or head of the district for the decision of the Governor-General. If approval should be refused, a new petition for the separation of the claims can not be made unless the causes for the refusal should be modified either by subsequent development or by other reasons that shall be weighed in each case according to the attendant circumstances.

ART. 28. When individuals or associations acquire by purchase or in any other legal manner any number of mining claims already granted by the State, they shall notify the civil governor or chief of the district within thirty days after their acquisition, and said authority shall inform the Governor-General within the period of two months.

If the purchasing companies should desire the increase of claims which the royal decree allows, because of the existence of unclaimed land, the proceedings shall be instituted and carried on in the manner established as a general rule for registries and ordinary concessions.

When individuals or companies, in the manner indicated in the first paragraph of this article, should acquire mining claims not yet granted, the applications by others for which are pending, they shall inform the civil governors or chiefs of the districts as soon as possible of the purchase or transfer, exhibiting the public instrument proving the same, and stating their desire that the respective proceedings continue in the name and on behalf of the individuals or companies. Until this is done said authorities shall continue the prosecution of the

proceedings, recognizing as the only legitimate party the one who instituted and continued the proceedings, without a sale or transfer duly proven, or the person who may have sufficient judicial character and personality for the purpose, proven before the said authority.

CHAPTER IV.—*Application for mining claims.*

ART. 29. The right of preference for the concession and ownership of mining claims by reason of the priority of the petition, to which reference is made in article 20 of the royal decree, shall be governed in case of equality of circumstances by the date of the presentation of the petitions. When in the petitions it is proposed to explore or make excavations in gardens, cane fields, orchards, or any irrigated lands, although to present such a petition the permission of the owner is not necessary, if he should refuse to consent to the inauguration of such works and should make his objection within the period of three months there shall be no remedy or appeal of any kind and the petitions shall be ignored.

If the owner of the land indicated in this article, upon the expiration of three months after permission has been requested, should not have answered either in the affirmative or in the negative, it shall be understood that he consents to the prosecution of the works. The proceedings shall follow their course accordingly, the civil governor or chief of the district authorizing the explorer or the register to begin work, upon giving a bond or paying indemnity in the manner determined by article 11 of the royal decree and articles 5, 6, and 17 of these regulations.

The petitions for explorations or registries shall also be ignored if permission be not obtained to establish works at a smaller distance than that required by article 12 of the royal decree when it is desired to make them near the buildings, roads, public easements, and fortifications mentioned therein.

In all these cases, and in the other cases referred to in article 20 of the royal decree, the explorers or registers, in requesting permission for the works, shall inform the petty governor in whose district they are to be executed, according to the procedure prescribed in article 15.

The petitions which have for their object the reduction of distances, referred to in the foregoing paragraph, shall be addressed to the civil governor or chief of the district, and the provisions of article 20 of these regulations shall be applicable to them.

The persons interested shall also inform the local authority of the petitions which they make to the owners of orchards, gardens, cane fields, and irrigable lands for permission to continue works begun through the land occupied by said proprietors. After three months have passed without obtaining permission, or in case permission is refused before the expiration of this period, the civil governor or chief

of the district may grant it, as provided for in article 20 of the royal decree, after paying the indemnity and furnishing the bond mentioned in article 11, and observing also the provisions of articles 5, 7, and 17 of these regulations with regard thereto.

If the civil governor or chief of the district should refuse permission, an appeal lies to the governor-general, and from the decisions of the latter there shall be no further remedy.

Within a period of sixty days, counted from the presentation of any petition for exploration or registry, when the land is of those in which in order to commence or continue work the permission of the owner is necessary, or, in the absence of his consent, that of the civil governor or chief of the district, the respective interested persons shall be obliged to show the consent or refusal of the said owner of the land for inclusion in the proceedings, or to declare in writing the date in which they had asked for the authorization. If upon the expiration of the period indicated neither of the two actions has been proven, it shall be understood that the prosecution of the proceedings has been abandoned, and the petition in question for exploration or for registry shall be ignored.

ART. 30. The period of twenty days fixed by article 21 of the royal decree in which to present the certificate of the petty governor or respective authority, proving that the ground petitioned for has been marked off in a distinct manner, shall begin to be computed in the cases referred to in the foregoing article, from the date on which the explorers or registers making the petition may have obtained permission to begin the works.

ART. 31. The petitions for explorations or for registry shall be drafted in accordance with Form No. 2.

The plan may be contained in the petition itself or in a separate document annexed thereto, but the simultaneous presentation of both documents shall not be omitted, nor shall petitions which do not contain or include the plan be accepted.

ART. 32. The explorers and registers shall furnish a plan of the mining claims which they request, indicating thereon clearly and in detail the point where they may have commenced or will commence the works, from which, and with relation to the perimeter of the land they claim, they shall determine the boundaries with precision, either indicating points fixed, visible, certain, and known, showing in meters the length and breadth of the claims, so that an exact rectangle or the figure they are to have may be formed, or the direction both of the boundaries as well as the direction in which the claim must be outlined, for which purpose they shall in like manner indicate the length and breadth in meters.

When from the surveys made by the engineer it should appear that neither the points of reference nor the boundaries correspond to those mentioned in the plan, or that the latter are not the boundaries, or

that they are situated from the starting point of the works double the distance fixed in the petition or respective document, the land applied for shall be considered as different from that on which the survey was made, and the plan shall be canceled and the proceedings closed by order of the civil governor or chief of the district. From his decision an appeal lies to the governor-general, who shall decide without further remedy.

ART. 33. Upon the presentation of petitions for explorations or for registry there shall be noted thereon, with the full signature of the respective official, the hour and minute, and the day, month, and year of the presentation, all written out, there being also stated that there have been deposited the 75 escudos required by article 84.

In case the plan is contained in a separate document this fact shall be noted in the same memorandum, another being made on the second document, signed also by the same official, to show the simultaneous presentation required by article 31 of these regulations.

Immediately after these formalities the civil governor or chief of the district shall order the admission of the petition, as prescribed in article 22 of the royal decree.

The ordinal numbers of the petitions mentioned in the second paragraph of the same article shall be written out, without erasures or corrections.

ART. 34. In the office of the civil governor or chief of the district there shall be two books, one entitled "Explorations" (Investigaciones) and the other "Registries" (Registros), in order to fulfill the second paragraph of article 22 of the royal decree in all its parts.

The two books shall be bound with leaves securely sewn in, and shall be stub books. The civil governor or chief of the district shall rubricate all the leaves in such manner that on both the receipt and the stub his rubric shall always appear, and all the folios shall be numbered both on the receipt and the stub.

Each book shall have a separate alphabetical index, in which shall be entered the names of the explorations or claims petitioned for, with a reference to the folio of the book in which the presentation of the petition is recorded.

In the book of "Explorations" shall be entered the petitions presented for said explorations, and also those referring to general galleries for explorations, transportation, and drainage.

In the book of "Registries" shall be entered the petitions for full claims, partial claims, scoriæ, and dumps, the registers of mining groups, those which have for their object the development of the substances referred to in articles 4 and 5 of the royal decree, and those which refer to the mineral products mentioned in article 6, when they are treated in fixed establishments, and those relating to the permission to dig trial pits.

On each one of the leaves of both books, divided into two parts, no

other entry shall be made than that which relates to one petition. On the left-hand side shall be clearly and fully recorded the name of the person interested, and, in a proper case, the name of his representative, the object they desire, if the plan is contained in the petition itself or in another document, and the hour, minute, day, month, and year of presentation written out. Following this first entry shall be recorded the principal steps until the proceedings are closed.

By principal steps shall be understood the admission of the petition, the publication of the plan, the consent or refusal to dig trial pits, or to prospect and develop, or to commence labors, the notice that the petitioners have requested permission of the owners of the land, the certificates showing that the land has been marked off, the notice of having performed the legal work required, the examination and survey, the transmission of the proceedings to the governor-general, and the concession or refusal in any of the cases included in the royal decree and regulations.

On the right-hand side the official who may have authenticated the memoranda in the petition shall, with the counter signature of the civil governor or head of the district, authenticate the repetition of the entry made on the left-hand side, from which it shall be separated by being cut off in order to be delivered to the person interested as a receipt.

No blank spaces shall be left between the entries, which must continue from the left-hand side of the leaf; neither shall there be erasures or corrections. If any of the latter should be necessary, they shall be made good by means of an explanatory note, viséed by the civil governor or head of the district, and signed by the secretary, should there be one.

In order to preserve proper uniformity, the books shall always be made in Manila, being forwarded by the governor-general to the civil governors and chiefs of districts as they may be called for. In their manufacture form number 3 shall be followed.

ART. 35. The ordinal number which, in accordance with articles 22 of the royal decree and 33 of the regulations, it is necessary to write out in petitions for registry and exploration and others which are indicated in the fourth and fifth paragraphs of article 34 of the regulations, is the number which may have been given the same in the respective stub book. With this number each set of proceedings shall be distinguished and it shall be placed on each wrapper made according to form number 4.

The numeration of the stub books shall not be begun anew every year, nor when one book is closed and another begun, but shall always be correlative, without interruption in time or in the books.

ART. 36. Not only shall memoranda of the presentation of the different petitions by the persons interested during the course of the proceedings, but also of the transmission of the proceedings to the

engineers, of their return, of the presentation of plans and tax paper by the parties, and of anything else which may tend to retain a record of the date of the different steps and requisites in the proceedings.

These notes or memoranda shall always be drafted and signed by the secretaries at the foot of the paper and proper folio, and never at the margin of the instruments or documents.

ART. 37. When proceedings involving surplus lands are instituted, there shall be recorded by means of a memorandum properly drafted, that the mines surrounding the space in question have already been granted.

ART. 38. If during the course of proceedings for registry or exploration, an increase or extension of claims should be requested, care shall be taken not to institute new proceedings, but the petition shall be attached to the original proceedings, which shall thereafter be subject to the procedure made necessary by the petition for extension or increase until it can be decided as a single case.

The consequence hereof is that although there must be attached to the petitions for increase or extension the amount fixed by the regulations for the new expenses which may arise, it is not necessary that they be recorded in the stub book as new registries or explorations, it being sufficient to enter them as instruments belonging to the original proceedings.

ART. 39. Even in cases in which it is not necessary to attach to the proceedings the edicts referred to in article 23 of the royal decree and others referred to therein, it must be recorded that the public has had access thereto for the time and in the manner prescribed by the royal decree. The proper memorandum must also be drafted of any announcements or notifications made through the official papers, without prejudice to attaching the latter to the proceedings.

ART. 40. Taking into consideration the provisions contained in article 34 of these regulations, the two books mentioned therein are the only ones which are obligatory; but this provision does not prevent the civil governors or heads of districts from keeping in addition any other books which they may consider proper for a better order in the office.

Care must be taken to strictly comply with the provisions of said article relating to the recording of the principal steps or entries to be made in the two stub books.

ART. 41. In making a petition for a registry, exploration, scoria, or dump, general gallery for exploration, transportation, or drainage, and authorizations to develop the substances referred to in article 3 of the royal decree, the persons interested shall give a name to the mine, working, or object of their petition.

The civil governors or heads of districts without further appeal, shall refuse to accept any name which might be offensive or ill sounding, considered morally or civilly, obliging the petitioners to select other names not having these drawbacks.

ART. 42. In the cases referred to in article 29 of these regulations the periods fixed by articles 23 and 24 of the royal decree for the publication of the exploration or registry and in which to make objections shall be counted from the date on which permission to begin work was obtained from the owner of the land or from the civil governor or chief of the district.

Said authority shall not order the admission of the petitions in the manner prescribed by article 22 of the royal decree before the said permission has been obtained from the owner or unless it has been granted according to the said article 29 of the regulations; but upon the expiration of the periods referred to in the latter, which can not be extended, the civil governor or chief of the district shall, without delay or postponement of any kind whatsoever, order the admission, fulfilling all that is prescribed in the royal decree with regard to the first steps and formalities of the case.

ART. 43. The period required by article 25 of the royal decree in which the civil governor or head of the district shall render his decision with regard to petitions for explorations shall be counted in the same manner as prescribed in the foregoing article for the cases included therein.

ART. 44. The permission granted by civil governors or heads of districts to make explorations shall be for the period of two years prescribed by article 27 of the royal decree, provided that during that time the persons interested comply with the conditions imposed by the same and fulfill the formalities required.

If upon the termination of this period the exploration is being continued at a great depth, the governor-general, in view of the reports of the engineer and of the civil governor or chief of the district, may extend the permission for another two years, provided the explorers request said extension before the expiration of the first term.

The permission granted to make explorations shall not serve to authorize the free disposal of the minerals.

At any time that mineral is discovered and the legal labor may be executed, as prescribed in articles 30 and 65 of the royal decree, the explorers shall request a survey and concession, the proceedings being instituted in the same manner as for registries.

ART. 45. If a petition for exploration or registry is admitted the same day on which it is presented, the period of four months in which to perform the legal work of 10 meters shall be counted in the manner mentioned in article 28 of the royal decree; but in the cases referred to in articles 29, 42, and 43 of these regulations it shall be counted from the day following that of the notification of the decree of admission issued by the civil governor or chief of the district.

Before the expiration of said period the persons interested or their representatives shall forward to the proper civil governor or chief of the district a document informing them that the legal labor has been performed and in what manner.

The filing of this notice shall be entered in the proper book and a receipt therefor shall be issued, viséd by the civil governor or head of the district and signed by the secretary, where there is one.

In case that a register should desire to convert his exploration into a registry, in accordance with the privilege granted him by article 28 of the royal decree, if the registry should comprise more than two claims and he should desire to retain them for exploration, he shall submit separately, upon requesting the conversion, as many petitions as may be necessary, in order that in every proceeding for exploration not more than two claims shall be included, in accordance with the provisions contained in articles 17 and 21 of the royal decree.

ART. 46. Mining proceedings shall be composed of the original documents and never of copies more or less authenticated. For this purpose there shall be attached the original requests, petitions, appeals, decrees, rulings, reports, notifications, and documents relating to said proceedings, and the greatest order shall be observed arranging them clearly and correlatively. The foliation shall be by sheets; they shall be rubricated by the secretary, and in his absence by the civil governor or head of the district, and it shall be specially observed that the acts appear in the successive order in which they take place, and that no action of a subsequent date be drafted or entered on the margins of the documents, nor that one be entered before another act which preceded it.

The blank spaces which will inevitably occur in some folios, including the petitions, shall be crossed whenever they occur.

Only in case that the decision rendered in proceedings should affect those objecting, shall a copy of the original decree rendered therein be forwarded to the objecting parties in the shape of a certificate viséd by the proper authority.

ART. 47. At the end of every set of proceedings, whether of those closed by the decision of the civil governors or heads of districts, or whether forwarded for the action of the governor-general, there shall be entered by the secretary, and in his absence by the civil governor or head of the district, a memorandum of the folios contained in the same, that the blank spaces have been crossed, and any other circumstances which appear advisable and expedient. The memorandum shall be written out without containing any figures whatsoever.

ART. 48. All proceedings may be prosecuted by the persons interested or by means of representatives. The latter shall be required to present their legal power of attorney, which shall be included in the record.

The person interested, or his representative, must reside in the capital or seat in which the proceedings are prosecuted, and the administration shall communicate with them with regard to the action to be taken and the notifications to be made.

When for any reason whatsoever he may have absented himself from the capital or seat, or when the person interested, or his repre-

sentative, does not reside therein, the notification shall be made through the official newspapers or announcement board, the copy containing the same being included in the proceedings, which shall produce the same legal effects as a notification in person.

ART. 49. In order that the legal labor may show the existence of the mineral which it is desired to develop, it shall always be performed within the vein, lode, or pocket discovered in regular seams and in the most advisable manner in irregular ones, according to their shape.

ART. 50. Any individual or association which is legally established may request the concession of a large mining group, for the purposes of exploration as well as registry, under the following conditions:

1. The mining group for exploration or registry must contain 20 claims at least and not more than 60. These claims shall have the proper area, according to the kind of mineral.

2. There shall be attached to the petition a topographical plan, as exact as possible, made by an engineer on a scale of 1 to 10,000, in which, after fixing a starting point and clearly describing it, all the claims united shall be traced and numbered as may be most convenient. A report shall also be presented in which there shall be set forth, from a scientific and industrial point of view, the advisability and advantages of granting the group requested.

3. Upon the presentation of the petition the sum of 25 escudos shall be deposited for each of the claims which is to form the group.

4. In petitions for groups for exploration similar procedure shall be followed as for petitions for ordinary explorations, and in registries of mining groups the procedure indicated for single applications shall be followed, the only difference being that the legal labor is to be performed at four points of the group situated at a distance from each other of 400 meters at least when the mines referred to in the first paragraph of article 13 of the royal decree are in question, and of 600 when mines mentioned in the second paragraph of the said article.

5. All other rules, conditions, and guaranties established in the royal decree and in these regulations for proceedings for explorations and for registries are respectively applicable to these proceedings and their prosecution.

CHAPTER V.—*Surveys and concessions of property.*

ART. 51. In order to include in the survey lands of estates which are included in the case referred to in article 10 of the royal decree, permission shall be requested of the owner of the same; and if within two months he should refuse permission or not express himself, the civil governor or head of the district shall authorize the survey in the manner requested, after the proper bond and indemnity, in the terms prescribed by article 11 of said royal decree and articles 5, 7, and 17 of these regulations.

The petition for permission directed to the owner shall be communicated to the respective civil governor or head of the district in the manner and with the formalities mentioned in articles 14 and 29 of these regulations.

ART. 52. The period of four months fixed by article 30 of the royal decree within which the register is to demand the survey shall be counted in the manner established in article 45 of these regulations, which relates to legal labor.

If the register should allow said period to elapse without requesting the survey, the proceedings shall be closed and lapse, as prescribed by article 65 of the royal decree in the fifth case.

The civil governors, or heads of districts, under their strictest liability, shall take care that at no time within the four months shall a petition requesting the survey of their respective registrations be refused, and shall consider them presented and admitted as soon as delivered, immediately complying without any excuse whatsoever with the provisions of article 31 of the royal decree.

ART. 45. The civil governors, or heads of districts, shall order that the notifications referred to in the third and fourth paragraphs of article 31 of the royal decree be made in the seat of the district if the owners or petitioners of the mines, explorations, registries, galleries, scoriæ, and dumps adjoining the survey to be made, or the persons who are their legal representatives, should reside in said seat.

The originals of all these notifications shall be included in the proceedings.

If both should be absent from the seat, instead of the personal notification, an announcement shall be published in the official newspaper, or on the board of announcements, in accordance with the provisions of article 48 and the first general provision of these regulations. Furthermore, the surveys shall always be announced beforehand, as required at the end of the said article 31 of the royal decree, and in order to do so a sufficient time in advance the engineers shall forward at the proper time the proper notices to the civil governors, or heads of districts, stating therein clearly and exactly the days within which the survey is to be made, and those which may be fixed for each mine, or group of mines, adjoining or near each other.

If neither the owners nor their duly constituted attorneys of mines or registries, and those of adjoining mining works, including explorations, should not attend the survey, the engineers shall summon the respective foremen or persons in charge of the works, mines, or registries, if they should be present; and this circumstance, as well as the summons, and the absence or presence of the owners, as well as of their representatives, including not only those of the mine to be surveyed, but also those of the adjoining claims, shall be explicitly included in the report of the survey.

If the owners or persons interested, who may have been notified in

the seat of the district, or who, being absent, must be considered as cognizant of the fact by the announcements in the official newspaper or on the board of announcements, should not attend the act of the survey, it shall be considered that they renounce their right to object against the results of the same, this also being understood if the foremen or persons in charge of the works should be absent and the summons referred to in this article is not served on them.

There shall not be admitted any remedies against the survey but protests, remarks, and objections made at the time of the survey and the fixing of stakes or corner stones.

ART. 54. The surveys shall not be made by the engineers when there is no undenounced land, when the legal work has not been performed, or when the existence of the mineral is not proven. In all these cases the proceedings shall be returned to the civil governor, or head of the district, appearing therein by means of a memorandum of the reasons for the return.

ART. 55. In order to make the surveys, the order of preference of the proceedings with regard to their priority, counted from the date of the presentation of the petitions, shall be observed, provided that mines situated in the same region are in question.

This strict order shall be ignored only when the distance and isolation of the mines preclude any fear of causing damage.

ART. 56. Neither after the publication of nor during the survey and examination can the persons interested change the plan presented with the petition.

The cases referred to in the second paragraph of article 32 of the royal decree are excepted; but if in said cases there should be no agreement between the engineers and the persons interested, the survey shall be made immediately in the manner decided upon by the former, the latter having the right to appeal to the civil governor, or head of the district, for the proper resolution.

If the appeal should not be taken within the term of two days through the engineers, in order that they may make a report thereon and forward it to said authority, the survey shall be considered as agreed to.

ART. 57. In making the surveys the engineers shall also take care to arrange them in such manner that, without interfering with the workings, they avoid as far as possible free spaces or bands between claims. For this purpose, and provided that a third person is not injured thereby, said engineers need not confine themselves to the plans made by the persons interested, either with or without their consent. Should it be done without their consent, the appeal referred to at the end of the second paragraph of the foregoing article may be taken.

ART. 58. The surveys shall be made only by the proper engineer, without the assistance of a clerk. The witnesses, the persons inter-

ested or their representatives, and the owners or managers of adjoining mines and mining works shall witness the survey; the engineer shall make the proper memorandum, stating therein clearly and minutely, without omitting any circumstance tending to give a good idea of the ground, of the location of the mine, of the boundary marks, and relation to certain and fixed points of the region in which it is established, of the character of the mineral, of its conformity with or difference from the samples submitted, of the form, thickness, and other conditions of the vein, and of the protests, claims, and remarks made by those called to be present at the survey, who shall lose all right to be heard afterwards, as prescribed in article 53 of these regulations, should they not attend said act.

All those attending who know how to write shall sign the memorandum with the engineer.

ART. 59. Two topographic plans shall be prepared by the engineers of every survey, traced on card paper or cloth, each accompanied by the proper explanation, which shall be written on the same page which contains the plan. Both shall have sufficient margin to be attached to the proceedings.

The scale of the plans shall be of 1 to 5,000; the government, however, in special cases, shall have power to order that they be made on a different scale, larger or smaller, as they may see fit.

For the mines referred to in the second paragraph of article 13 of the royal decree, as well as for mining groups, the scale of the plans shall be of 1 to 10,000. It shall be made larger, however, in accordance with the general scale when one or more of claims of that kind are to appear in the plans of the survey of the ordinary claims, and in a similar case, but inversely, the scale of the latter shall be reduced to conform with that of 1 to 10,000.

The plans shall be drawn carefully and with cleanliness, different colored inks being used in order to secure greater clearness, and the situation of the explorations, registries, mining works, and adjoining mines shall be indicated, their mouths or starting points being designated whenever possible.

The engineers and assistants in all that relates to the formation of the plans shall observe the rules of the royal order of February 25, 1863, for a proper uniformity in technical matters.

ART. 60. In order that explorers may secure the survey referred to in the second paragraph of article 35 of the royal decree, they must have uncovered sufficient mineral to make the development possible, and after presenting the proper petition in the terms prescribed in the second paragraph of article 30 of the said royal decree.

ART. 61. Mining engineers shall conform strictly to the provisions of the royal decree and to those contained in these regulations with regard to the manner of making the surveys, drafting the memorandum, and making the plans thereof, and shall take the greatest care in making

the examinations and in all the technical work without omitting any information, circumstance, or notice tending to contribute at any time to a better understanding and explanation of the questions which may arise, in order that the surveys as well as the plans may serve as a basis and foundation of the rights of the parties and guarantee to them their legality, avoiding doubts, complaints, and objections.

ART. 62. The provisions contained in the foregoing articles for the surveys of mining claims are applicable and extensive to the survey of large groups or associations of mines, and to scoriæ, dumps, and surplus lands.

ART. 63. The mining engineers intrusted with the examinations and surveys shall return to the civil governors or heads of districts the respective proceedings within the periods fixed in the second paragraph of article 31 of the royal decree, reducing to writing the work done, including the plans, and stating at the same time in a separate communication the particular conditions which are to be imposed on those demanding the concession, in addition to the general conditions required by the royal decree and regulations.

ART. 64. Within the term of thirty days, counted from that following that on which the survey was made, the persons interested or their representatives shall deliver to the civil governor or head of the district, in tax paper, the sum of 15 escudos for each complete or incomplete mining claim which may be the object of the proceedings. The same amount shall be paid for every surplus and claim, scoria, or dump.

They shall furthermore deliver within the same period, and also in tax paper, the amount corresponding to the stamped paper on which the title of ownership is to be drafted.

The term of thirty days shall always be counted from the date of the first examination when the survey may have been made, and it shall not be considered as postponed nor suspended either by reason of the engineer delaying the return of the proceedings or on account of the correction or modification of the original survey, or for any other causes changing the definite character which, as a general rule, said operations should have.

ART. 65. The royal title of property to mining claims, surplus lands, scoriæ, and dumps shall conform to form No. 5.

One of the plans shall always be attached to the title, which plan shall be removed from the record, the seal of the general government being affixed thereto.

CHAPTER VI.—*General galleries for exploration, drainage, and transportation.*

ART. 66. No petition whatsoever shall be admitted for the driving of a tunnel or gallery when it is to cross lands occupied in whole or in part by mines granted or registered or in course of exploration, if

certified copies of the agreements and stipulations referred to in articles 40 and 41 of the royal decree are not attached.

The petitions to drive general galleries for explorations, drainage, or transportation shall be drafted in accordance with form No. 6, and in the plan accompanying said petitions there shall be determined the situation of the registries and mines of other persons interested which they might in a proper case include.

ART. 67. When the concession of general galleries for exploration, drainage, or transportation is desired, upon the publication of the surface plan in the manner referred to in the second paragraph of article 41 of the royal decree, the civil governor or head of the district shall order that the proper personal notifications be made to the persons interested and to the owners of the registries or mines which are to be included in the space the general gallery is to traverse.

If the persons interested or the owners should have empowered any attorneys or representatives, the notification shall be served on them.

When the notification is to be made on account of the existence of the registries and mines referred to in the foregoing paragraph, the steps prescribed in article 24 of the royal decree relating to explorations and registries shall be observed, and what may be proper of the provisions of articles 5, 7, 15, 17, 29, 42, and 43 of these regulations, before the civil governor or head of the district forwards the proceedings to the governor-general.

ART. 68. The reservation of claims for the constructor of a general gallery, according to article 42 of the royal decree, shall be requested by said constructor when he requests authorization to execute the works, stating their number, and designating and tracing them in the plan. No registries or explorations whatsoever shall be permitted on the ground they occupy during the time granted for the execution of the works of the general gallery, and only when the subterranean works clear them and the constructor does not make them the object of an exploration or registry shall the engineers, when visiting the mines of the region, give due notice to the civil governor or head of the district, so that he may order that within the period of thirty days the constructor or his representative choose between the institution of the proper proceedings for exploration or registry, or make a declaration that the land is free, renouncing the claims as they do not suit him.

This declaration shall be made by the civil governor or head of the district, when proper, fifteen days after the receipt of the answer of the constructor, being published in the official newspaper or on the board of announcements of the seat. If the constructor should not reply to the intimation of the civil governor or head of the district within a period of thirty days, it shall be considered that he renounces his right, and the declaration shall be made after the approval of the governor-general without further remedy.

ART. 69. For a variation of the line or lines fixed in the concession of general galleries the proceedings instituted, as prescribed in article 43 of the royal decree, shall follow the same course and shall contain the same formalities as the original proceedings of the concession.

ART. 70. In case the persons interested do not agree with the appraisements referred to in the second paragraph of article 44 of the royal decree, the proper action shall be taken according to the provisions contained in articles 5 and 7 of these regulations.

ART. 71. The governor-general shall grant permission by means of decrees for the driving of general galleries, in whichs hall be stated the technical and any other conditions which it may be advisable to impose upon the persons interested, according to the cases.

After the decree granting permission to drive a general gallery has been received, the civil governor or head of the district shall order that possession be given at the time and in the manner prescribed by article 38 of the royal decree.

CHAPTER VII.—*Concessions of dumps and scoriæ.*

ART. 72. The proceedings which may be instituted to obtain concessions to work dumps or scoriæ shall follow the course prescribed in the royal decree and what is established in these regulations in Chapters IV and V for registries.

ART. 73. The preference allowed the owner of a dump or scoria by article 48 of the royal decree, when a stranger requests permission to work a mine within its boundary, shall also be granted when a registry or authority to explore is requested.

In either case the civil governor or head of the district, upon the presentation of the petition, shall order that the proper notification be made to the concessioner of the dump or scoria or to his representative, and if, within the period of thirty days fixed in the royal decree, he shall not have communicated his answer to the civil governor or head of the district, it shall be considered that he renounces his right of preference.

If the scoria or dump should not be surveyed at the time of the presentation of the petition for the registry or exploration of a mine, the said preference can not be demanded, nor shall the persons interested in the new claim enjoy the ownership which is granted them by article 59 of the royal decree. All shall subject themselves to the prosecution of their proceedings, which must be the object of a concession when proper, without any right of preference, provided that when the respective claims are worked the rules for police and safety already issued, or which may subsequently be issued, are observed.

CHAPTER VIII.—*General mining conditions.*

ART. 74. Miners shall have the works performed subject to the rules governing the same, and shall take care that the mines are kept clean, drained, and well ventilated. All unsafe workings shall be considered

contrary to the royal decree, in which, in addition to not strengthening or securing the mine, subsequent development is rendered impossible and the lives of the laborers endangered.

The miners shall be obliged to preserve the landmarks or stakes which may be fixed when the claims are surveyed, as well as to observe the provisions relative to strengthening and to policing and sanitation, which are contained in the regulations on these subjects, and the rules which may be prescribed in each particular case by the engineers and those issued exclusively upon sanitation by the local authorities, after an expert report.

The civil governors or heads of districts, in view of the examination and report of the proper engineer, shall fix in each case, at the instance of a party, the period within which the waters which have accumulated in the workings of a mine are to be removed, observing the greatest exactness in this matter and fixing the shortest periods possible, in order to avoid the development of one mine at the expense or to the detriment of another.

ART. 75. For the purposes and enforcement of the foregoing article, and for the fulfillment of the provisions contained in the royal decree and these regulations, the owners of one or more mines and the concessioners of galleries, explorations, dumps, and scoriæ shall keep a bound book, folioed and rubricated on all its leaves by the petty governor of the district.

This book shall be entitled "Book of visits to the mine (gallery or exploration) of ———, situated in the district of ———," and on the first page thereof a memorandum shall be made by the proper petty governor or director, of the folios composing the book.

ART. 76. The engineers, at least once every two years, if not prevented therefrom by more urgent requirements of the service, shall make visits to the mines and mining works and shall enter in the shape of a memorandum in the book referred to in the foregoing article the condition in which they find them and the defects they observe in their workings, establishing the rules they may deem proper with regard to their method, as well as with relation to the policing, sanitation, and all that may be necessary for the development of the industry and the legitimate benefit of the explorers.

During the said visits the notices referred to in articles 21 and 68 of these regulations shall be given.

ART. 77. In the office of the chief of each district there shall also be kept a folioed and rubricated book in which to record the visits to mines. In this book the communications sent by the engineers of the result of each of the visits made, and the rules or notices they may have entered in the book of the mine or other works of this character shall be included.

This shall not prevent their informing the civil governors or chiefs of districts of serious faults which they may not have been able to prevent during their official visits to the mining region and which

should be remedied, or which require discipline or punishment, according to the provisions of the royal decree.

ART. 78. The mining labor which is to be performed annually on each claim, as a proof of its having been worked in accordance with the royal decree, shall be fixed by the engineer in each particular case, taking into consideration the nature of the ground and all other circumstances which may have occurred in each mine.

The concentration of labor authorized by article 52 of the royal decree may take place without special permission, when the works are performed on the different claims, of which one single concession consists, with the limitations imposed by articles 16 and 17 of the said royal decree.

When the concentration is to take place on claims which are the object of different concessions of mines, the permission of the governor-general must previously be procured. This permission shall be granted only when the mines which are the object of the different concessions adjoin each other.

In order to obtain said permission the persons interested must present their petition to the civil governors or chiefs of districts, attaching a plan showing the location of the mines which are to enjoy the benefit of the concentration of labor desired.

These authorities shall hear the mining engineer on the subject and shall forward the petition, the plan and all the other data with their report to the governor-general for the proper decision.

The concentration or reduction of the working gang can only take place when mines already granted are in question; whenever proceedings of this character are instituted a formal record shall be made to the effect that the mines on which it is desired to concentrate the labor or reduce it have been granted.

ART. 79. The owners of claims which produce the products which the fiscal laws declare are subject to the control of the department of finance can only dispose of the same with the intervention and under the conditions fixed by the governor-general.

ART. 80. In addition to the general obligations imposed by the royal decree and these regulations upon miners, they shall be subject to the private conditions which may be imposed in each special case, and which shall be stated and included in the title of ownership and in the authorizations which may be granted by superior decree.

ART. 81. Miners or mining companies, after the formalities prescribed in article 60 of the royal decree, may introduce the number of Chinese they may desire, provided that it does not exceed four hundred for each mine or mining establishment.

ART. 82. It shall be the duty of miners to denounce to the authority of the province the flight of Chinese who abandon the mines; and the fiscal authority shall, whenever he deems it convenient, order

that they be visited for the purpose of ascertaining the existence of the Chinese registered on each one.

In the case of the death of a Chinese the miners shall inform the same authority with the formalities established, or which may be established hereafter.

ART. 83. The minors who may be introduced with the Chinese miners shall not pay anything until they attain the proper age, and in the meantime the provisions common to the other Chinese shall be applicable to them.

The women who may be introduced with the said Chinese miners shall pay the same amount as natives.

The children of Chinese miners who continue engaged in mining shall pay the same amount as natives, and shall be kept on their respective registers and shall make use of the clothing and other distinctions of their guild until they receive express permission from the governor-general.

ART. 84. Upon the presentation of the petitions for registry, whether the claim be complete or incomplete, of surplus lands, explorations, of dumps and scoriæ, and for the reduction of the mineral products mentioned in article 3 of the royal decree, and of auriferous or stanniferous sands in fixed establishments, the persons interested shall pay the sum of 75 escudos. No petition shall be received if the payment of the sum mentioned to the civil governor or head of the district is omitted. In petitions relating to mining groups the provisions contained in article 5 of these regulations shall be observed.

ART. 85. The amounts resulting from the payment of the 75 escudos referred to in the foregoing article shall be covered into the proper treasuries by the civil governors or heads of districts weekly, being held at their disposal to pay the daily salaries of the engineers and assistants. The surplus resulting shall be returned to the persons interested.

If with the 75 escudos the expenses of the proceedings for which they were deposited should not be covered, the persons interested or their representatives shall be obliged to pay what may be lacking within a period of fifteen days from the date they received notice of the excess of expenses.

The notification shall be included in the proceedings as well as the payment, with the formalities required by articles 33 and 46 of these regulations.

Every six months a detailed statement of the receipts and expenditures of the funds referred to in this article shall be published in the official newspaper or on the board of announcements of the seat of the district.

The provisions contained therein shall be considered as a complement to the prescriptions of article 62 of the royal decree and of article 64 of the regulations, with regard to surveys.

CHAPTER IX.—*Cancellation of proceedings, forfeiture of concessions, and procedure in new awards.*

ART. 86. In accordance with the provisions contained in article 65 of the royal decree, no petition for registry, surplus land, exploration, the concession of dumps or scoriæ, the development of the mineral products mentioned in article 3 of the said royal decree, and the working and development of auriferous or stanniferous sands, shall be admitted unless the amount fixed by article 84 of these regulations is paid, and until a surface plan is delivered, as prescribed in article 31 of the same.

Neither shall petitions for registry or explorations be admitted which refer to lands already registered or explored the proceedings for which are pending and whose petitions have been admitted and the surface plan published.

Nevertheless, petitions for registry or exploration relating to lands which are the object of pending proceedings may be admitted when it is stated in said petitions that they contain errors which invalidate them. In such cases, if the nullity is certain and it is proper to declare it, subject to the precepts of the royal decree and regulations, the civil governor or head of the district shall issue the proper orders for the purpose, the new proceedings following the legal course. When the cause for nullity alleged does not exist, the petition for exploration or registry presupposing it shall be rejected, becoming null and void, and the original proceedings shall continue their course in the proper time and manner.

As soon as any of the persons interested incur any of the faults mentioned in the said article 65, and when that mentioned in the second paragraph of this article occurs, the civil governors or heads of districts shall decree the cancellation of the proceedings as null and void, ordering that the notifications to the parties be duly and properly made.

The publications in the official newspapers or on the announcement boards of the decrees of cancellation shall not be made until said rulings are final, this being understood without prejudice to the provisions contained in the third paragraph of article 48 of these regulations.

ART. 87. In the cases referred to in the second and third paragraphs of the foregoing article the canceled proceedings can not be revalidated or have any effect at any time whatsoever, even though the preferred proceedings which gave rise to the nullity of the former should also subsequently become null and void.

ART. 88. In addition to the concessions referred to in article 66 of the royal decree, in determining the causes which are to give rise to a declaration of nullity, the right to a general gallery shall be forfeited and lost, provided that the conditions of the superior decree under which its execution was authorized are not fulfilled or complied with.

ART. 89. The proceedings instituted ex officio for the declaration of

forfeiture shall begin with the decree of the civil governor or head of the district, stating the causes which give rise thereto. This resolution shall be communicated to the concessioner, in order that within the period of thirty days he may state what he wishes in support of his right. Upon the expiration of this period, with or without an answer, said authority shall order, if he considers it necessary, that the proper investigations be officially made to clear up the facts, and shall call for a report of the proper engineer.

After the proceedings have been thus instituted the civil governor or head of the district shall declare, as may be proper, the forfeiture or the continuance of the concession.

The same procedure shall be observed when the proceedings are instituted at the instance of a party, the civil governor or head of the district being obliged to issue an order for the institution of the proceedings as soon as the petition is presented.

In the two cases referred to the civil governors or heads of the districts shall, in addition to the action they deem proper to take, receive and accept the statements which the persons interested may make before the judicial authorities.

The term for all kinds of statements and proofs in these proceedings, after the period of thirty days granted the concessioner, can not exceed four months. After this period has elapsed the civil governor or head of the district shall render the proper decision within the period of two months.

Proceedings of forfeiture instituted by reason of the formal and explicit abandonment of the concession shall be considered ex officio, in which case the provisions of articles 63 and 64 of the royal decree shall also be observed.

ART. 90. For a better understanding of the provisions contained in the foregoing article and in the second paragraph of article 69 of the royal decree the following rules shall be observed:

1. The proceedings for forfeiture at the instance of a party must be instituted by means of a petition for registry, subject to all the conditions and accompanied with all the requisites fixed by the royal decree and regulations for petitions of that character. The only difference shall be a statement in the petition to the effect that a previous concession exists with regard to the land desired, the name of said concession and that of the concessioner being stated if known, and that, there being evident reasons for the forfeiture, according to the royal decree and these regulations, on account of the faults which shall be mentioned in detail, it is desired that after the declaration of forfeiture the registry proceedings be instituted and proceeded with. When the forfeiture of an exploration is in question it shall be applied for by means of a petition for exploration, with the conditions and formalities which are obligatory, the indications required for registries in the foregoing case being made.

2. After the forfeiture has been decreed and executed, from the date on which this takes place the time shall begin to be counted in which to request the survey; but if the forfeiture should not be or is not considered proper, and the former concession is declared in force, the cancellation of the registry of exploration proceedings shall at once be declared.

3. When simply a registry or exploration is requested, without stating that there exists a prior concession of the land requested, and without consequently requesting the proper declaration of forfeiture, this circumstance shall not invalidate what has been requested, nor shall it affect the granting of the concession asked for. What shall be done at any stage of the proceedings of exploration or registry, as soon as information is received of the existence of a previous concession which has not legally lapsed, will be the suspension of the continuation of the pending proceedings for the purpose of at once taking the proper steps for the declaration which may be proper, the proceedings being resumed according to their status as soon as the forfeiture is final, or otherwise being canceled.

4. If the existence of a prior concession with regard to the land requested should not be known or should not appear, and the proceedings should continue to the point of the granting of the exploration or registry after the expiration of the period in which to appeal, according to the royal decree and article 97 of these regulations, without it having been done, no remedy whatsoever shall be admitted, the purpose of which is to annul the new proceedings, based on the absence of the previous declaration of forfeiture. For these cases and for all subsequent legal purposes the concession relating to the land with regard to which a concession of any kind whatsoever may have been obtained, shall be considered as forfeited.

CHAPTER X.—*Reduction works.*

ART. 91. Every reducer of minerals in fixed establishments shall obtain the rights and contract the obligations referred to in article 72 of the royal decree.

For the institution of proceedings of this character in so far as they relate to indemnities, the procedure and formalities referred to in articles 5, 7, 17, 18, and 29 of these regulations shall be observed.

CHAPTER XI.—*Taxes with regard to mining.*

ART. 92. When the proceedings have reached such a stage that the annual surface tax is due, in accordance with the provisions contained in articles 76 and 77 of the royal decree, the civil governors or heads of districts must, under their liability, forward the proper notice to the respective dependencies of the public treasury in order that the amount due therefor may be collected.

In the proceedings there shall be stated that this formality has been complied with, and a memorandum to this effect shall be viséed

by the civil governor or head of the district, and shall also bear the full signature of the secretary, should there be one.

The same shall be done for the opposite purposes when a survey is annulled and when the forfeiture of a concession becomes final.

ART. 93. It is the duty of the general intendance of the treasury to issue the resolutions it may consider proper for the collection of the surface tax and the 3 per cent tax imposed by royal decree on mining properties and concessions.

CHAPTER XII.—*Authority and jurisdiction in mining.*

ART. 94. The terms in which to appeal from the decisions of the council of administration to the council of state in the suits of forfeiture referred to in article 69 and in the second paragraph of article 84 of the royal decree shall be those fixed in the royal decree of July 4, 1861, on the mode of procedure in litigation in which the administration is a party for the colonies, or those which may be fixed hereafter.

In order to take an administrative appeal to the governor-general from the rulings of the civil governor or head of the district in the cases referred to in articles 68 and 84 of the royal decree, it shall be filed within the term of thirty days.

ART. 95. In addition to the cases in which, by article 85 of the royal decree, an appeal lies to the council of administration from the decisions of the governor-general definitely deciding mining proceedings, it shall also be admitted in accordance with articles 25 and 26 of the regulations of July 27, 1853, for the execution of the law of eminent domain for reasons of public utility in questions arising on account of the nonagreement of the persons interested with the appraisals of the indemnifications referred to in articles 5, 11, 44, and 72 of the royal decree, and in articles 5, 7, 17, 18, 29, 51, 67, 70, and 91 of these regulations.

ART. 96. Appeals, administrative as well as litigative, which may be brought by the persons interested with regard to indemnities, shall not interrupt the works nor the course of the respective proceedings, and therefore the provisions of article 7 of these regulations shall be complied with.

ART. 97. No appeals to the council of administration but those allowed in accordance with the royal decree and regulations shall be admitted through litigative channels and taken by—

1. The persons interested who are granted or refused permission to make mining explorations or investigations which are the object of the respective proceedings, in the three cases mentioned in article 85 of the royal decree.

2. The persons interested who in the same four cases may have made their objections to the civil governors or heads of districts within the legal period.

3. Those who may have protested at the time of the surveys against the same and its consequences.

4. The concessioners to whose land a new concession may have been granted owing to ignorance of their rights.

5. By the persons interested who do not agree with the appraisals for indemnity referred to in article 95 of these regulations.

6 and last. By the concessioners who object to the private conditions, or who bring up questions with regard to the interpretation and fulfillment of those established in the concession, provided that these questions should already have definitely been passed upon administratively.

In order to take these appeals, the period fixed by article 87 of the royal decree shall be counted, according to the cases, from the date of the notification or of the publication of the orders of the governor-general in the official newspaper or on the board of announcement of the seat of the district, to the day it is filed in the general office of the secretary of the council of administration.

Upon the expiration of the periods mentioned, as well as of all those within which the royal decree and these regulations grant the privilege to object or file an administrative appeal, the rulings and resolutions shall be final.

If the third objectors are the appellants against the concessions granted, in order to validate the suits with regard to the concessioners, the citation of the latter shall be necessary, but not their appearance, it being understood that they renounce their right to be heard if within the period of the summons they do not attend the suit.

When the persons who were not granted a concession after the survey was made are the appellants, in order that the suits may be valid with regard to the third objectors, the citation of the latter shall also be necessary, but not their appearance, it being understood that they renounce their rights to be heard in the same manner as is established for concessioners.

The latter, as well as the third objectors, in the cases referred to in the two foregoing paragraphs, shall have no other character in taking part in the suits than that of coadjutors of the administration.

ART. 98. In order to fulfill the conditions contained in article 90 of the royal decree it must be remembered that the jurisdiction corresponding to the ordinary courts in all questions with regard to mines, dumps, scoriæ, galleries, or tunnels and reduction works, instituted between parties, relating to their ownership, must be understood as including a case in which the State may have granted the proper concessions, assigning the ownership which the royal decree admits in the substances mentioned in article 1; but if suits are in question with regard to a better right of ownership not yet granted by the administration, the courts shall not confer any more rights by their decisions than the administration may grant at the proper time.

Contentions between the same parties with regard to participation in the expenses of working and in profits, and relating to doubts arising in some question or other, shall always be of the competency of

the courts, but said cognizance in this case, as well as in that indicated in the last portion of the foregoing paragraph, shall not affect nor hinder the administrative action to institute and close, in a proper manner, the proceedings involving the claims and mining works, which are the origin of the contentions.

The administrative concession of one or more claims, scoriæ, explorations, galleries, reduction works, and any other kind of mining works shall never be an obstacle to a due fulfillment of what may be decided in the final decisions of the courts on ownership or participation therein.

Questions instituted with regard to superimpositions and correction of the limits of claims or mining works, on the surface as well as underneath the surface of mines, come under the exclusive jurisdiction of the administration; but the cognizance of claims made with regard to the improper extraction of minerals and the indemnification of losses and damages in mines or concessions already granted by the state and involving the ownership and rights of individuals or companies, comes under the jurisdiction of the ordinary courts.

According to article 91 of the royal decree, and in accordance with the spirit of its prescriptions, the courts of competent jurisdiction in causes instituted with regard to defrauding the public treasury shall also be competent in causes instituted and arising by reason of the exploration, development, and alienation of minerals, if said acts take place before the legal concession of the respective claims has been obtained or without the previous permission referred to in the second paragraph of article 58 of the royal decree.

ART. 99. The engineers of the mining corps shall be the only experts for all legal purposes in suits of which ordinary courts take cognizance.

CHAPTER XIII.—*The corps of mining engineers.*

ART. 100. Mining engineers and the professional assistants in the service of these islands shall be subject to their organic regulations of February 1, 1865, and shall comply with the precepts thereof, and any other provisions which may hereafter be issued for the fulfillment of their duties, discharging with the greatest zeal and diligence, in the order and manner prescribed in the said regulations, all the duties and obligations intrusted to them and designated in the royal decree and in these regulations.

ART. 101. Mining statistics shall hereafter be prepared every year in accordance with the attached forms, numbers 7, 8, and 9.

ART. 102. It is the duty of the chief engineer of these islands to make up the two forms numbered 7 and 8, and of the civil governors or heads of districts that numbered 9, both being obliged to forward those relating to each year during the first four months of that following through the governor-general to the general direction of agriculture, industry, and commerce.

The civil governors or heads of districts shall forward to the chief engineer the data necessary for the formation of the proper statements, and shall, in addition, give them all the assistance and cooperate with them so far as possible in order to secure a faithful discharge of this service.

The civil governors or heads of districts shall be considered as directly responsible for any faults which may be committed by the governments of their provinces in the preparation and transmission of the statement which it is their duty to prepare, as well as in not giving the proper assistance to the chief engineer for the formation of his own.

ART. 103. At the same time as the statements referred to in Forms 7 and 8, the chief engineer shall forward the annual report on mining, referred to in the sixth case of article 19 of the regulations of the corps.

ART. 104. The engineers who may be employed outside of the capital of the islands must make up the statistical reports of the provinces in which they serve and forward them to the chief engineer, who, through the governor-general, shall transmit them to the general direction of agriculture, industry, and commerce, adding his own report thereto and such remarks as he may consider proper.

ART. 105. For the sake of uniformity in the reduction of "varas" to meters, the area of claims of 60,000 square "varas" shall be expressed as 41,924.31 square meters; those of 20,000 "varas" as 13,974.77, and those of 180,000 as 125,772.93 meters, which are the amounts most approximate thereto, and respectively their multiples of 2, 3, and 4, or more, claims, it being necessary to write on each page of these reports the partial amounts contained thereon, and carry them forward, placing the total on the last page.

ART. 106. For the purpose of avoiding the anomaly of including among productive mines those which are unproductive, it shall be remembered hereafter that if said mines were never productive they must not be included among the productive mines, and that, though they were productive in former times, if they should not have been productive during the year included in the statistics, they must be included in the number of productive mines, a memorandum being made of the reason why no mineral was obtained during the year.

When the increase or reduction of products of some mine or mines, or that of the greater portion of the province, is notable, the cause therefor shall also be stated.

In order that the total number of laborers engaged in the mining industry may be ascertained, in addition to stating as up to the present time, those who work in reduction works—in productive mines—there shall be stated by means of a note those who are engaged in nonproductive mines, registries, or investigations, even though it be only by means of a conservative estimate. There shall also be stated in the report the number of persons engaged in the transportation of prime material.

In the portion relating to reduction there shall be stated, by means of notes, all kinds of furnaces or apparatus which are not included in the columns of the forms.

A memorandum shall be forwarded separately of the average prices at which minerals are sold at the mines and those of metals at the respective works, and, starting from this basis, shall be deduced the value created by the mineral and metallurgical industry in each of the same relating to each class of mineral or metal obtained.

ART. 107. For this service in the archipelago, it shall be considered as a single mining district divided into three departments—Luzon and adjacent islands, Visayas, and Mindanao, whose respective capitals are Manila, Cebú, and Zamboanga. Each department shall include the same provinces or districts which at the present time are considered as depending on these three governments.

In every department there shall be a mining engineer, who shall render this service in accordance with the royal decree and these regulations.

The engineer having the highest rank shall reside in Manila, and shall discharge, in addition to the office of the chief of the service, the service of the department.

In order to assist the engineers in the field and office work, there shall be the number of assistants which may be required.

For the present, and until the Government of His Majesty orders otherwise, the chief engineer, residing in Manila, shall attend to the discharge of the service of the three departments.

GENERAL PROVISIONS.

1. All the periods fixed in these regulations, as well as those established in the royal decree, shall begin to be counted from the day following that on which the administrative notice may have been given, when the persons interested or their representatives reside in the respective seat. Should they not reside there, the notifications shall be made through the boards of announcements or official newspapers, inserting the ruling or the portion thereof which gives rise thereto, and the period shall begin to be counted from the day following that on which this may have taken place.

2. The administrative notices referred to in the foregoing provision may be given by any employee or agent of the authority to whom the civil governors or heads of districts intrust this commission. In said notifications there shall be stated that a copy of the decree, ruling, decision, or resolution giving rise thereto was delivered to the person interested, the person notified signing with the person making the notification, or by two witnesses, should he not know how to write or refuse to sign.

3. All this work shall be gratuitous in mining proceedings, and no other fees shall be collected from the parties but those designated in these regulations and for the purposes mentioned therein.

The daily salaries of the engineers and assistants for the official work mentioned in articles 63 of the royal decree and 76 and 89 of these regulations shall be defrayed from the general budget of these islands when the concessioners or registers have complied with the provisions of the royal decree and regulations in abandoning the respective claims. Otherwise the respective persons interested shall pay the same in addition to the fines they may have incurred. In cases of insolvency the payment shall be made from the general funds, the right to bring an action against the debtors to secure reimbursement for the advance being reserved at all times.

4. In the administrative proceedings all the documents of the persons interested shall be drafted on the proper stamped paper, according to the provisions in force on the subject. The rulings, reports, and other administrative proceedings which can not be included in said documents shall be continued on official stamped paper, or on that used by the authorities or employees who take part in the institution and course of the proceedings.

5. The civil governors or heads of districts only may grant to the parties, on their request and when they believe it proper, certificates of the contents of the proceedings, and shall be viséed by them and issued by their secretaries, or by the persons acting in their stead, and the secretaries, as well as the mining engineers, are forbidden, under their strictest liability, to act in contravention hereto.

6. At no time and for no reason whatsoever shall the original proceedings be delivered to the parties; but upon an order of the civil governors or heads of districts they may be exhibited in the offices, when proper, in order that they may be examined by the persons requesting it, who may take such memoranda as they may deem proper. The original proceedings shall be sent only to the council of administration when they are to make an administrative report, or when they are to take cognizance thereof in administrative litigation, and also to the engineers for the performance of the technical work and for a report on the expert points coming under their jurisdiction.

7. In order to comply with the provisions contained in article 46 of these regulations, provided that the governor-general should return the proceedings to the civil governors or heads of districts to correct some errors or to cure some defects or omissions which may have occurred, the new entries and work done shall be placed immediately after the said proceedings in their proper chronological order. Should any corrections be necessary in some instrument or plan, a note thereof shall be made in the proper memorandum. When the change of a plan or instrument is ordered, those already included in the proceedings shall not be removed in order to be replaced by those amended, but they shall be attached to and the former ones respected, and shall be placed at the folio where the proceedings and formalities conclude, or continue when the changes were made.

8. The civil governors or heads of districts shall see to it that previous annulled or forfeited proceedings, should there be any, relating to the same ground involved in the last proceedings be attached to and included in the latter.

9. The persons interested can in no case prevent the visits and examinations of the engineers when the latter consider them proper in order to fulfill the provisions contained in articles 21 and 68 of these regulations, and in order that through them the government may exercise the surveillance required of it in all mining works, labors, and establishments.

10. The advantages which may at once be enjoyed by mining concessions granted up to the present time, or which may hereafter be granted in view of pending proceedings subject to the mining regulations of January 29, 1846, shall be to extend the bounds of claims already surveyed, should there be any free land, to the area designated in articles 13 and 14 of the royal decree. This privilege shall not give preference in any case over the petition of any other person interested, whether for exploration or registry, which bears a prior date of presentation and which requests all or part of the land necessary to increase the area of the mine granted in accordance with the said legislation.

Petitions which may be made hereafter to increase the size of surveyed claims in accordance with the regulations of 1846 may request only, if there should be any free land, the superficial area referred to in articles 13 and 14 of the royal decree.

The proceedings in which greater extension for the claim or claims granted are asked for shall be called "proceedings for extension." Those which have for their object the uniting of one or more claims to those already granted shall be called "proceedings for increase of claims."

11. Appeals to the governor-general from the rulings and resolutions of the civil governors and heads of districts shall be filed with the latter, and complaints may be made to said governor-general only when the said authorities do not forward their appeals.

12. A duly authenticated receipt for every instrument, petition, or notice shall be given when their nonpresentation might prejudice any of the persons interested.

13. In mining, no rights shall be acquired if a strict observance and punctual fulfillment of the royal decree and regulations is not observed. The periods fixed can not be extended for any reason whatsoever, and the faults of the administration shall not redound to the injury of the persons interested, provided that within the term of sixty days, counted from the date when the period for them expires, they should complain of negligence or carelessness in their execution or nonfulfillment of the royal decree and regulations. Should they not make the objection within the period mentioned, it shall be understood that they desist from their claims and that they abandon the

continuation of the proceedings, which shall be considered canceled for all subsequent effects, this being declared by the administration as soon as it is verified, being published in the official newspaper or on the board of announcements.

This declaration, when proper, may also be made at the instance of any other interested person, provided that he requests it by means of a petition of exploration or registry according to the provisions contained in the third paragraph of article 86 of these regulations.

The governor-general only may dispense the defects produced by the cancellation of mining proceedings after a report of the proper section of the council of administration, and provided that third persons are not injured thereby.

We hereby certify that the foregoing is a correct and faithful translation of the laws and regulations relating to mining in the Philippines.

FRANK L. JOANNINI,
Official translator, Division of Customs and Insular Affairs, War Department.
M. E. BEALL, *Assistant.*

I hereby certify that Frank L. Joannini is the official translator of the Division of Customs and Insular Affairs of the War Department.

CLARENCE R. EDWARDS,
Lieutenant-Colonel, Forty-seventh Infantry, U. S. V., Chief of Division.

FORMS.

FORM No. 1.

SOLICITUD PARA EXPLOTAR SUSTANCIAS DE NATURALEZA TERROSA.

D. N., vecino de ——— y habitante en esta cabecera, calle de, ——— número ——— de profesión ———, y de edad de ———, á V. S. dice: que en el término del pueblo de ———, al sitio ó parage que llaman ———, hay una tierra de la pertenencia de D. N., vecino de ———, la cual linda (*se expresarán los linderos á todos vientos con la posible especificación*). El exponente desea emplear 20,000 metros cuadrados de este terreno, á contar desde el punto ———, y en la figura de un cuadrado, ó como pareciere mejor en su día al ingeniero, para la fabricación de loza, dando á esta explotación el nombre de Locera; pero el citado dueño se opone á prestar su consentimiento, á pesar de haberle ofrecido todas las indemnizaciones y garantías convenientes al respecto de su derecho de propiedad. En esta atención, el que dice,

Suplica á V. S. que habiendo por presentado este escrito y la cantidad de 75 escudos que al mismo tiempo consigna, se sirva instruir el oportuno expediente en la forma que procede con arreglo al Real Decreto y Reglamento de minas, á fin de que por el Gobierno Superior Civil se le conceda la conducente autorización para la explotación indicada.

Dios, etc. (Fecha y firma.)

FORM No. 2.

SOLICITUD DE REGISTRO.

D. N., vecino de esta cabecera y habitante en la calle de ———, núm. ———, de profesión ———, y de edad de ———, á V. S. digo: que en terreno realengo del pueblo de ———, paraje que llaman ———, lindante ——— (*se expresarán los linderos á todos rumbos, con toda especificación*), deseo adquirir ——— pertenencias mineras con el título *La Esperanza*, de mineral ———, que ya se halla descubierto en una calicata. (*Si no estuviese descubierto el mineral, se omitirá esta circunstancia y podrá decirse en su lugar:*) de mineral que me propongo descubrir dentro del plazo legal. (*Si el terreno fuese de propriedad particular, se expresará el nombre del dueño, como también si el terreno es de los que según el real decreto exigen permiso del dueño para hacer labores. Del mismo modo se dirá si se ha hecho ó no calicata, y si en el primer caso se ha obtenido licencia del propietario, acompañando el documento que lo acredite.*) Verifico la designación de este registro en la siguiente forma: se tendrá por punto de partida el sitio ——— (*el que sea, marcada en lo posible la dirección y distancia en que se halla de cualquier otro punto indubitado y fijo.*) Desde él se medirán en dirección N. ——— metros (*y así sucesivamente hasta que resulte formado el rectángulo de la pertenencia ó pertenencias solicitadas.*) Por lo tanto,

Suplico á V. S. que habiendo por presentada esta solicitud con la cantidad de 75 escudos que á la vez consigno, se sirva dar al expediente la instrucción correspondiente, á fin de que en su día se expida por el Gobierno Superior Civil el correspondiente título de propiedad.

Dios, etc. (Fecha y firma.)

NOTA.—Las solicitudes de investigación se arreglarán á este modelo con las variaciones que son consiguientes.

FORM No. 3.

Número ——.

D. N., vecino de ———, de profesión ———, y de ——— edad, habitante en la calle de ———, número ———, ha presentado á ——— hora ——— y ——— minutos de la mañana (*ó tarde*) del día ——— del mes de ———, año de ———, solicitud de registro de ——— pertenencias de la mina ——— de mineral ———, sita en ———. (*Aquí se expresarán los linderos y demás circunstancias que contenga la solicitud, respecto á su situación, clase de terreno, nombre del dueño de él, y de existencia ó no de la calicata, etc.*)

Esta solicitud tiene la fecha de ———.

La designación que hace es la siguiente: (*Aquí se copiará la designación.*)

Ha consignado al mismo tiempo la cantidad de 75 escudos (*ó la que sea si se trata de coto minero*).

Vº. Bº. El Secretario,

El Gobernador.

——— ———

El interesado.

——— ———

(*Á continuación se irán anotando las principales diligencias que tenga el expediente.*)

NOTA.—Cuando en vez de registro de mina sea demasía, petición de escorial ó cualquiera otra de las solicitudes que deben comprenderse en el libro de registro, se expresará así con toda especificación y claridad.

OTRA.—Cuando la solicitud se haga por apoderado ó sociedad, se anotará la presentación del poder y de la escritura social.

ADVERTENCIA.—En el libro de investigaciones se harán los asientos por el mismo órden, con las diferencias que son consiguientes.

LIBRO DE REGISTRO.

Número ——. Folio ——.

Gobierno de la provincia de ———. D. N., Secretario ———.

Certifico: Que por D., ———, vecino de ———, se ha presentado ——— á ——— hora y ——— minutos de la mañana (ó tarde) del día ——— de ——— del año ——— una solicitud de registro fechada en ——— de ——— pertenencia de la mina ——— de mineral ———, sita en el término de ——— (*aquí se expresarián los linderos*), haciendo la designación en la forma siguiente ———. Ha consignado al propio tiempo la cantidad de ———.

Y para que conste y sirva de resguardo al citado D. ———, doy la presente certificación talonaria, con el V°. B°. del Sr. Gobernador, en ———, á ——— de ——— de ———.

V°. B°.

El ———. (Firma.)

NOTA.—En la extensión de estas certificaciones se tendrán en cuenta las diferencias de casos, según se advierte en las notas del lado opuesto.

FORM No. 4.

DEPARTAMENTO DE ———.

PROVINCIA DE ———. MINAS. AÑO DE ——.

EXPEDIENTE DE ——— (1).

Núm ——.

Para ——[2] de —— nombrada ——.

Del término del pueblo de ———.

Interesado: Vecindad:

D ——— ———. ——— ———.

Representante: Vecindad:

D. ——— ———. ——— ———.

Número de pertenencias ——.

Remitido al Gobierno Superior Civil en —— de ——— de 18—.

(1.) Investigación, registro, ampliación, aumento de pertenencias, demasía, concentración de labores ó reducción de pueble.

(2.) Terrero, escorial, coto minero, etc.

FORM No. 5.

TÍTULO DE PROPIEDAD.

D. N. (*aquí sus títulos y*), Gobernador Superior civil de las islas Filipinas.

Por cuanto á ——— (*aquí el nombre del interesado*) tuve á bien otorgarle la concesión de ——— (*aquí el nombre y clase de la mina*), en término de ——— de esta provincia, he venido en resolver con fecha ——— que se le expida el presente título de propiedad á nombre de S. M. (q. D. g.) conforme á lo prescrito en el artículo 37 del Real Decreto de 14 de mayo de 1867, de ——— pertenencia que componen ——— metros cuadrados de extensión, en la forma qua se fija en el adhunto plano levantado por el Ingeniero D. ——— con arreglo á ——— (*aquí se expresará la ley con arreglo á la cual se haya demarcado*), fechado en ——— á ——— de ——— de ——— con la obligación de cumplir las condiciones generales siguientes:

1ª. La de beneficiar ——— conforme á las reglas del arte, sometiéndose él y sus trabajadores á las de policía que señalen los reglamentos.

2ª. La de responder de todos los daños y perjuicios que por ocasión de la explotación puedan sobrevenir á tercero.

3ª. La de resarcir también á sus vecinos los perjuicios que les ocasione por las aguas acumuladas en sus labores, si requerido no las achicase en el tiempo que se señale.

4ª. La de contribuir en razón del beneficio que reciba por el desagüe de las minas inmediatas, y por las galerías generales de desagüe ó de transporte, cuando por autorización del Gobernador Superior se abran para un grupo de pertenencias ó para el de toda la comarca minera donde se halla situada la mina.

5ª. La de dar principio á los trabajos desde el acto de toma de posesión de esta concesión, á no impedirlo fuerza mayor.

6ª. La de tener ——— poblada ó en actividad, con cuatro trabajadores, en razón de cada pertenencia, durante la mitad de cada año.

7ª. La de fortificar la mina en el tiempo que se le señale, cuando por mala dirección de los trabajos amenace ruina, á no ser que lo impida fuerza mayor.

8ª. La de no dificultar é imposibilitar el ulterior aprovechamiento del mineral por una explotación codiciosa.

9ª. La de no suspender los trabajos de ——— con ánimo de abandonarla sin dar antes conocimiento al gobernador ó alcalde letrado, y la de dejar su fortificación en buen estado.

10ª. La de satisfacer por ——— y sus productos los impuestos que establece la ley.

Y 11ª. La de llenar, en fin, todas las prescripciones que se contienen en el Real Decreto y reglamento para las concesiones de la naturaleza de la presente.

(*Hueco de dos pulgadas para las condiciones especiales que pueda haber.*)

Por tanto, en virtud de este título, concedo á ——— la propiedad de ——— por tiempo ilimitado, mientras cumpla con las condiciones precedentes, para que pueda hacer su explotación, aprovechar sus productos, y disponer libremente de ellos, enajenándolos según fuere su voluntad, con sujeción á las leyes, disfrutando al mismo tiempo de todos los derechos y beneficios que por el Real Decreto y reglamento de minas se otorgan á los concesionarios. Y para que lo contenido en las expresadas condiciones se cumpla y observe puntualmente, así por dicho concesionario, como por las autoridades, tribunales, corporaciones y particulares á quienes corresponda, expido el presente título de propiedad, que va firmado de mi mano, sellado con el sello correspondiente y refrendado por el infrascrito Secretario del Gobierno.

Dado en -———

(Al dorso del título.)

INTENDENCIA GENERAL DE HACIENDA PÚBLICA.

Tomado razón en —— de ——— 18 —.

EL INTENDENTE GENERAL DE HACIENDA PÚBLICA.

GOBIERNO SUPERIOR CIVIL.

Registrado en el Negociado de Agricultura, Industria y Comercio, folio ——.

(El Oficial del Negociado.)

FORM No. 6.

SOLICITUD DE GALERÍA GENERAL.

D. N., vecino de esta ciudad, habitante en la calle de ———, núm. ———, de profesión ———, y de edad ———, á V. S. digo: que deseo hacer las obras conducentes á la apertura de una galería general de investigación (*desagüe ó transporte*), que se nombrará ———, en el término de ———, al sitio de ———, terreno realengo, lindante ———, con arreglo en un todo á la memoria y plano que presento del Ingeniero D ———.

En esta atención y habiendo hecho los oportunos convenios particulares con D. ——— y D. ———, dueños de las minas ——— (*ó interesados en los registros* ———) que se hallan dentro del terreno que ha de comprender la citada galería según consta de los adjuntos documentos.

Á V. S. suplico que, habiendo por presentada esta solicitud con los documentos que la acompañan, se sirva dar al expediente la tramitación correspondiente á fin de que recaiga en su día por el Gobierno Superior la autorización que solicito para la apertura de dicha galería.

Dios, etc.

(Fecha y firma.)

NOTA.—Cuando el terreno fuese de propiedad particular, se expresará el nombre del dueño; y si fuese además de los en que se exige licencia del mismo, se anotará esta circunstancia, con expresión de si la ha dado ó no para los efectos que en tal caso son conducentes en la tramitación.

FORM NO. 7.

DISTRITO MINERO DE ———. AÑO DE ——.

Relación de las concesiones mineras productivas en el departamento de ———.

Nombre y clase de la concesión.			Términos.	Superficie demarcada.			Número de operarios.	Máquinas de vapor.		Clase del mineral.	Producto en quintales métricos.	Observaciones.
Minas.	Terreros.	Escoriales.		Número de pertenencias.	Metros cuadrados.	Decímetros cuadrados.		Número de estas.	Fuerza en caballos.			

ADVERTENCIAS.

1.ª Se consideran como minas productivas aquellas que venden sus productos en cualquier cantidad que sea, así como los terreros y escoriales.

2.ª Para la enumeración de las clases de mineral se seguirá el órden siguiente: primero, los de hierro; luego, los de plomo, plata, cobre, estaño, oro, zinc, azogue, cobalto, antimonio, manganeso, arsénico; y finalmente, los de la sal común, sosa, alumbre, azufre, hulla, turba, y asfalto.

3.ª Si existieran máquinas hidráulicas para el servicio de las minas, se expresarán en la columna de observaciones.

4.ª Los establecimientos de preparación mecánica que por su importancia lo merezcan y estén anejos á las minas, se expresarán en la misma columna.

5.ª Los cotos mineros, como que constituyen una sola concesión, se colocarán en la columna correspondiente.

6.ª Los socavones generales de investigaciones y los de desagüe figurarán en la columna de minas de este estado bajo la denominación peculiar del socavón cuando sus labores exploten minerales.

7.ª Las pertenencias que se concedan á las empresas de socavones con arreglo á los artículos 42 del Real decreto y 68 del Reglamento, se colocarán en la misma columna.

8.ª Los socavones generales de investigación y los de desagüe que no exploten minerales se pondrán por nota al fin de este estado, expresando su longitud y demás circunstancias que se crean convenientes.

FORM NO. 8.

DISTRITO MINERO DE —— .

AÑO DE ——.

Relación estadistica de las oficinas de beneficio existentes en el departamento de ——.

Nombres de cada oficina con espresión de la mena que se beneficia.		Número de operarios.	Máquinas.			Hornos.					Cantidad de mena beneficiada.	Producto obtenido.			Observaciones.
			Hidráulicas.	De vapor.											
En actividad.	Paradas.		Número.	Núm.	Fuerza en caballos.	Altos.	Manga.	Reverberos.	De afino.	Forjas.	Quintales métricos.	Clase.	Unidad.	Peso.	

ADVERTENCIAS.

1.ª Para la enumeración de las oficinas ó fábricas de beneficio se guardará el órden siguiente: primero, las de hierro; luego, las de plomo, plata, cobre, estaño, oro, zinc, azogue, antimonio, arsénico; y finalmente, las de sal común, sosa, alumbre, azufre, asfalto, etc.

2.ª Los establecimientos de preparación mecánica anejos á las oficinas de beneficio, y que por su importancia merezcan mencionarse, se expresarán en la columna de observaciones.

3.ª Las calderas de Pattingson se expresarán en la misma columna.

4.ª Si existen fábricas para obtener acero ó latón se expresarán por notas al final de este estado, lo mismo que cualesquiera otras que tengan por objeto dar nueva forma á los metales, especificando en dichas notas todas las circunstancias que se crean interesantes, como lo son la clase y número de hornos que no estén comprendidos en las casillas de este estado, etc.

5.ª La unidad para el producto obtenido será el quintal métrico, á excepción de la plata en que será el kilógramo y el oro er que será el gramo. El peso se aproximará hasta dos cifras decimales.

FORM NO. 9.

DISTRITO MINERO DE ———. AÑO DE ——.

Resúmen estadístico de los valores que ha producido la industria minera durante el año en el departamento de ———.

Número y clase de las concesiones.	Número de pertenencias que comprenden.	Sustancia utilizable.	Contribución de pertenencias.						Contribución del 3 por 100.										Observaciones.
			Devengada durante el año.		Cobrada durante el año.				Devengada por los minerales expendidos en bruto.		Cobrada por dicho concepto.				Devengada por los minerales beneficiados sujetos á esta contribución.		Cobrada por dicho concepto.				
					Por corriente.		Por atrasos.				Por corriente.		Por atrasos.				Por corriente.		Por atrasos.		
			Esc.s	Dlm.	Esc.s	Dlm.	Esc.s	Dlm.	Esc.s	Dlm.	Esc.s	Dlm.	Esc.s	Dlm.	Esc.s	Dlm.	Esc.s	Dlm.	Esc.s	Dlm.	
Minas																					
Terreros																					
Escor.s																					

ADVERTENCIAS.

1.ª Para la enumeración de las minas y sus productos se seguirá el órden siguiente: primero, las de hierro; luego, las de plomo, plata, cobre, estaño, oro, zinc, azogue, cobalto, antimonio, manganeso, y finalmente, las de sal común, sosa, alumbre, azufre, hulla, lignito, turba, y asfalto.

2.ª Se pondrán por nota al final de este estado las cantidades de minerales beneficiados y en bruto que se espendan para el interior.

3.ª Asimismo se expresarán por notas con la debida separación las cantidades de minerales beneficiados y en bruto que exporten al extranjero.

4.ª Del mismo modo se expresará el valor de los minerales y metales en el mercado. *Gacetas de Manila, de 6 de Agosto de 1868, 11 al 26 de Marzo de 1871, y 18 de Abril de 1874.*

APPENDIX.

APPENDIX.

APPENDIX.

CIRCULAR OF THE GENERAL DIRECTION OF THE CIVIL ADMINISTRATION, AUGUST 26, 1876.

Notwithstanding there having been published in the *Gaceta de Manila*, first on August 6, 1868, and afterwards on April 18, 1874, the royal decree relating to mining in these islands and the regulations for its execution, it has been observed that in the greater part of the registry proceedings instituted in the provincial governments faults are committed, or formalities omitted, which sometimes invalidate and at other times delay their conclusion, to the prejudice of the State and of individuals.

In order to put a stop to these irregularities and that the said royal decree and regulations be observed and fulfilled in the future with the greatest exactness, this general direction, in harmony with the bases proposed by the inspection of mines of these islands, has determined to direct to you the present circular, which explains the principal steps which the said proceedings should follow according to the above-mentioned laws:

1. The petition for registry of a mine should strictly conform to Form No. 2, printed at the end of the regulations, the persons interested as well as the governors taking care that in the description of the mining claims and the setting of the starting point due clearness and exactness be observed, depositing at the time of filing the petition the sum of thirty-seven pesos and fifty centimos for ordinary concessions, or the proper amount if it treats of mining groups, as prescribed in article 50 of the regulations.

2. The governor, as soon as the petition is received, shall, by an indorsement thereon signed by himself or by his secretary, if there should be one, the day, hour, and minute of the presentation, order at once its admission, reserving a better right, and deliver to the person interested the proper receipt containing the date, hour, and minutes, as also the amount which has been deposited.

Until the stub books mentioned in article 34 of the regulations are provided for the governors of provinces they should open provisional books, in which should be registered all the steps indicated in said article and in article 22 of the royal decree.

3. Within three days from the day of the presentation of the petition the registry shall be published, with a description of the mining

claims, on the board of announcements of the seat of the district and forward the announcement to the petty governor of the town in whose jurisdiction the mine is located, that he may publish the same by means of edicts, a memorandum hereof being included in the proceedings, and attaching to the same, when possible, the edicts given to the public.

4. In the period of twenty days from the presentation of the petition the register must present a certificate to the petty governor or authority showing that he has marked in a visible manner the land petitioned for.

5. Before the expiration of the period of four months mentioned in articles 28 and 30 of the royal decree and in articles 45 and 52 of the regulations the register shall perform the legal work of 10 meters depth or length by means of a tunnel or gallery uncovering the vein, and shall petition the governor for a survey of the mining claims, furnishing samples of the mineral.

6. The petition for survey being admitted by the governor, he shall forward the original proceedings to the general inspection of mines in order that an engineer may make the examination and survey.

When the proceedings are issued by the governor the secretary shall certify at the end, or in the absence of a secretary, by the governor himself, the number of folios which it contains, that the blank spaces have been crossed out, and any other circumstances which appear proper in each case.

7. Within the period of thirty days from that following on which the survey was made the person interested shall pay to the government of the province, in tax paper, the sum of 7 pesos and 50 céntimos for each complete or incomplete mining claim the object of the proceedings and also the sum corresponding to the stamped paper necessary for drafting the title of ownership.

8. The proceedings being dispatched and returned by the general inspection of mines to the governor of the province, the governor, attaching to the original, the tax paper or the document which shows that the register has paid the sums mentioned in the previous article shall forward the same to this general direction for the issue of the title of ownership.

Gaceta de Manila, September 3, 1876.

JOSE GOBEZAS DE HIERRO,
Director-General.

INSTRUCTIONS FOR THE FULFILLMENT OF THE ROYAL ORDERS OF APRIL 6, 1878, AND AUGUST 23, 1890, WHICH REFER TO THE DEVELOPMENT OF THE MINERAL COAL OF THESE ISLANDS.

1. The persons who as expert managers are placed at the head of coal mines whose production shall exceed 5,000 tons annually must be mining engineers or managers with titles or degrees obtained in Spain or in foreign countries.

2. For this purpose the companies or proprietors of this kind of enterprises shall present to the general direction of the civil administration an instrument attached to the title which accredits their expert managers. These titles shall be examined by the general inspection of mines, who shall report on their validity, and issuing, in a favorable case, through the governor-general the necessary personal authorization for the exercise of the profession in these islands, issued on stamped paper of the fourth class if the degrees were foreign. In the latter case they shall report to the colonial minister the authorization granted.

3. The mines or groups of adjacent mines which have been granted the concentration of their works according to the mining laws, and whose production does not reach 5,000 tons, can be managed by persons who do not possess the professional degrees above mentioned, providing they obtain the special authorization indicated in the following articles.

4. In order to obtain this authorization it is necessary—

(1) To be over 25 years of age and prove in any manner that appears to be sufficient that they have been overseers intrusted with mining works or distinguished operatives of the interior workings in some national or foreign coal mine.

(2) To prove to the general mining inspection their practical competency in the following subjects:

An idea as to how the veins of coal are formed, and particularly those of lignite and the rocks that usually accompany them.

The method of driving shafts and galleries both in the rock and in the coal.

Fortifications, and more especially cribbing.

Natural ventilation and how it may be improved when necessary.

Lighting precautions.

Works for securing the product in coal veins.

Drainage of the works in very simple cases.

The extraction and transportation of the products in simple cases.

The classification, washing, and storage of coal.

Management of the compass and a simple manner of representing the works.

Ordinary legal knowledge of the duties and rights in a mining concession in these islands.

5. Those who desire to secure this special authorization shall address their petitions to the general inspection of mines, accompanied with the documents already mentioned and with the certificates they may consider convenient. The inspection shall appoint a day for the practical examination, after which it shall prepare a memorandum, which shall be attached to the other documents.

If the result of the practical examination should be favorable, there shall be issued in stamped paper of the fifth class a copy of the act,

which shall be visted by the director-general of the civil administration, and this document shall serve as a basis for the authorization, which the latter, on motion of the inspection, shall grant to the interested person to direct coal mines whose production does not reach 5,000 tons.

6. In order that these instructions be given their due fulfillment, the general inspection of mines shall make every year to the coal mines, through the engineer, a regular visit, examining specially the production of the mines which are included in the case mentioned in article 3.

7. If, as a result of his visit, the engineer should find in the mines a greater production than that which its expert manager should authorize, there shall be imposed on the company or proprietor the penalty established for such cases in article 49 of the royal decree on mining in force in these islands.

The fine shall be collected by the chief of the province under his personal responsibility.

8. The owners may appeal from the fines to the general direction of the civil administration, and the latter shall finally decide the case, hearing first the general inspection of mines, according to article 84 of the above-mentioned royal decree.

Gaceta de Manila, November 11, 1890.

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